Minute No. 502
Report – Standing Policy Committee on Property and Development – June 26, 2015

Item No. 3 Subdivision and Rezoning – 90 Lexington Park (North Kildonan Ward) File DASZ 5/2015 [c/r DAV 114494/2015D]

COUNCIL DECISION:

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

1. That the plan of subdivision under File DASZ 5/2015 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" to File DASZ 5/2015 dated June 9th, 2015 with such minor changes as may be required, and for registration in the Winnipeg Land Titles Office, subject to the following:

    A. That the Developer be required to enter into an Addendum to Servicing Agreement AG 222/1996 with the City containing all the conditions outlined in the report of the Administrative Coordinating Group dated May 13, 2015, with the following amendments:

        i. Amend condition 2.a)i. by deleting "to Chief Peguis Trail" and replacing it with "to the first north-south pathway intersecting Springfield Road, as determined by and to the satisfaction of the Director of Public Works."

        ii. Amend condition 2.b) by adding "1.b)" before "2a) i".

        iii. Add the following new condition 2.e):

            2.e) The Developer shall, at no expense to the City, pay all costs associated with the installation and/or modification of the traffic signal controller/additional traffic signal controller at the intersection of Springfield and Raleigh to re-establish the operation of the lights with the Raleigh movements being separated from the Gateway signal prior to the occupancy of the first unit in the development, as determined by and to the satisfaction of the Director of Public Works and the East Kildonan-Transcona Community Committee.

Report – Standing Policy Committee on Property and Development – June 26, 2015

COUNCIL DECISION (continued):

2. That the Winnipeg Zoning By-law No. 200/2006 be amended by rezoning proposed Lot 1 shown on Schedule "A" to File DASZ 5/2015 dated June 9th, 2015 to an "RMU" Residential Multi Use Zoning 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, prior to the development of any building, exterior lighting, parking area, loading area, freestanding sign, private approach, landscaping, fencing, path, sidewalk, courtyard, plaza, bicycling parking area or garbage enclosure, plans, showing their design and location, including the elevation of the ground floor of all principal buildings in relation to a fixed point on Lexington Park identified by the Director of Planning, Property and Development, shall be submitted to the Director of Planning, Property and Development and the East Kildonan – Transcona Community Committee for approval, prior to the issuance of any building or development permit, and thereafter all to be developed in accordance with the approved plans and maintained to the satisfaction of the Director of Planning, Property and Development.

      ii. That no more than twelve (12) parking spaces (including at least 3 parking spaces designated only for persons with disabilities) shall be allowed in the courtyard area between principal buildings to permit the development of a useable landscape courtyard in accordance with the Palliser Major Redevelopment Site Area Master Plan.

      iii. That the northerly ten (10) feet of proposed Lot 1, shown on Schedule "A" to File DASZ 5/2015, excluding any private approach, sidewalk or path shall be developed into a landscaped berm, in a manner that does not compromise traffic (including cyclist and pedestrian traffic) safety.

      iv. *Deleted*

      v. That the uses "dwelling, single-family, detached" and "dwelling, two-family" shall not be allowed as principle uses.

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COUNCIL DECISION (continued):

vi. That the following principal uses shall be conditional uses:

a. Community/recreation centre;
b. Library;
c. Post office/carrier depot;
d. Protection and emergency services; and
e. Gallery/museum.

vii. That the following uses be permitted on the ground floor of buildings alongside Lexington Park:

a. Restaurant;
b. Office;
c. Personal services (except body modification establishment, cheque-cashing facility, funeral chapel or mortuary, clinic and adult entertainment);
d. Medical/dentist/optical/counselling clinic;
e. Retail sales (except auction room, landscape or garden supplies, supermarket, pawnshop and x-rated store); and

3. That Zoning Agreement DAZ 222/1996 (By-law No. 7069/97), registered as Caveat 2229705/1 on the subject property, be withdrawn as it affects proposed Lot 1 shown on Schedule "A" to File DASZ 5/2015.

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 (2) 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 (2)-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 Addendum to Servicing Agreement AG 222/1996.

Report – Standing Policy Committee on Property and Development – June 26, 2015

COUNCIL DECISION (continued):

8. 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 proposed Lot 1, shown on Schedule "A" to File DASZ 5/2015, 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.

9. That the plan of subdivision shall be approved and signed by the Director of Planning, Property and Development within one (1) year from the date the by-law is passed, failing which the matter shall be deemed to be concluded and shall not be proceeded with unless an extension of time is applied for prior to the expiry of the one-year period and Council approves the extension.

10. That, in the event the necessary City of Winnipeg mylar approval signatures have not been secured within twelve (12) months after adoption of the by-law, 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 twelve (12) month period and the extension is subsequently approved by Council.

11. 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 – June 26, 2015

DECISION MAKING HISTORY:

Moved by Councillor Orlikow,

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

Carried

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On July 8, 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 June 26, 2015, the Standing Policy Committee on Property and Development concurred in the recommendation of the East Kildonan-Transcona Community Committee, with the following amendments:

- Delete recommendation 2.A.ii. in its entirety and replace it with the following:

  "That no more than twelve (12) parking spaces (including at least 3 parking spaces designated only for persons with disabilities) shall be allowed in the courtyard area between principal buildings to permit the development of a useable landscape courtyard in accordance with the Palliser Major Redevelopment Site Area Master Plan."

- Delete recommendation 2.A.vii.f. in its entirety.

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

COMMUNITY COMMITTEE RECOMMENDATION:

On June 16, 2015, 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 "May 13, 2015"

  ", with the following amendments:

i. Amend condition 2.a)i. by deleting “to Chief Peguis Trail” and replacing it with “to the first north-south pathway intersecting Springfield Road, as determined by and to the satisfaction of the Director of Public Works.”

ii. Amend condition 2.b) by adding “1.b)” before “2a) i”.

Report – Standing Policy Committee on Property and Development – June 26, 2015

DECISION MAKING HISTORY (continued):

COMMUNITY COMMITTEE RECOMMENDATION (continued):

iii. Add the following new condition 2.e):

2.e) The Developer shall, at no expense to the City, pay all costs associated with the installation and/or modification of the traffic signal controller/additional traffic signal controller at the intersection of Springfield and Raleigh to re-establish the operation of the lights with the Raleigh movements being separated from the Gateway signal prior to the occupancy of the first unit in the development, as determined by and to the satisfaction of the Director of Public Works and the East Kildonan-Transcona Community Committee."

- Amend recommendation 2. by deleting "RMF-M Residential Multiple-Family Medium" and replacing it with "RMU Residential Multi Use"

- Amend recommendation 2.A.i. by adding "including the elevation of the ground floor of all principal buildings in relation to a fixed point on Lexington Park identified by the Director of Planning, Property and Development," after the words "showing their design and location,"

- Delete recommendation 2.A.ii. in its entirety and replace it with the following:

  "That no more than twelve (12) parking spaces (including parking spaces designated only for persons with disabilities) should be allowed in the courtyard area between principal buildings to permit the development of a useable landscape courtyard in accordance with the Palliser Major Redevelopment Site Area Master Plan."

- Amend recommendation 2.A.iii. by deleting "fifteen (15) feet" and replacing it with "ten (10) feet".

- Delete recommendation 2.A.iv. in its entirety.

Report – Standing Policy Committee on Property and Development – June 26, 2015

DECISION MAKING HISTORY (continued):

COMMUNITY COMMITTEE RECOMMENDATION (continued):

- Delete recommendation 2.A.vi. in its entirety and replace it with the following:

  "That the following principal uses shall be conditional uses:

  a. Community/recreation centre;
  b. Library;
  c. Post office/carrier depot;
  d. Protection and emergency services; and
  e. Gallery/museum."

- That the following new recommendation 2.A.vii. be added:

  "That the following uses be permitted on the ground floor of buildings alongside Lexington Park:

  a. Restaurant;
  b. Office;
  c. Personal services (except body modification establishment, cheque-cashing facility, funeral chapel or mortuary, clinic and adult entertainment);
  d. Medical/dentist/optical/counselling clinic;
  e. Retail sales (except auction room, landscape or garden supplies, supermarket, pawnshop and x-rated store); and
  f. Day care centre.

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

RE: **Subdivision and Rezoning – 90 Lexington Park**
File DASZ 5/2015
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: **June 18, 2015**

COMMUNITY COMMITTEE RECOMMENDATION:

On June 16, 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 plan of subdivision under File DASZ 5/2015 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" to File DASZ 5/2015 dated June 9th, 2015 with such minor changes as may be required, and for registration in the Winnipeg Land Titles Office, subject to the following:

    A. That the Developer be required to enter into an Addendum to Servicing Agreement AG 222/1996 with the City containing all the conditions outlined in the report of the Administrative Coordinating Group dated May 13, 2015***, with the following amendments:***

        i. Amend condition 2.a)i. by deleting "to Chief Peguis Trail" and replacing it with "to the first north-south pathway intersecting Springfield Road, as determined by and to the satisfaction of the Director of Public Works."

        ii. Amend condition 2.b) by adding "1.b)" before "2a) i".

        iii. Add the following new condition 2.e):

            2.e) The Developer shall, at no expense to the City, pay all costs associated with the installation and/or modification of the traffic signal controller/additional traffic signal controller at the intersection of Springfield and Raleigh to re-establish the operation of the lights with the Raleigh movements being separated from the Gateway signal prior to the occupancy of the first unit in the development, as determined by and to the satisfaction of the Director of Public Works and the East Kildonan-Transcona Community Committee.

2. That the Winnipeg Zoning By-law No. 200/2006 be amended by rezoning proposed Lot 1 shown on Schedule "A" to File DASZ 5/2015 dated June 9th, 2015 to an ~~***"RMF-M" Residential Multiple-Family Medium***~~ ***"RMU" Residential Multi Use*** Zoning 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, prior to the development of any building, exterior lighting, parking area, loading area, freestanding sign, private approach, landscaping, fencing, path, sidewalk, courtyard, plaza, bicycling parking area or garbage enclosure, plans, showing their design and location, ***including the elevation of the ground floor of all principal buildings in relation to a fixed point on Lexington Park identified by the Director of Planning, Property and Development,*** shall be submitted to the Director of Planning, Property and Development and the East Kildonan – Transcona Community Committee for approval, prior to the issuance of any building or development permit, and thereafter all to be developed in accordance with the approved plans and maintained to the satisfaction of the Director of Planning, Property and Development.

      ~~***ii. That no more than ten (10) parking spaces shall be allowed in the area that would be between the principal building proposed in Phases 1 and 2 and the principal building proposed in Phase 3 and all parking spaces in this area shall be designated only for persons with disabilities and developed in accordance with Zoning By-law 200/2006.***~~

      ii. That no more than twelve (12) parking spaces (including parking spaces designated only for persons with disabilities) should be allowed in the courtyard area between principal buildings to permit the development of a useable landscape courtyard in accordance with the Palliser Major Redevelopment Site Area Master Plan.

      iii. That the northerly ~~***fifteen (15) feet***~~ ***ten (10 feet)*** of proposed Lot 1, shown on Schedule "A" to File DASZ 5/2015, excluding any private approach, sidewalk or path shall be developed into a landscaped berm, in a manner that does not compromise traffic (including cyclist and pedestrian traffic) safety.

      ~~***iv. That the elevation of the first floor above the indoor parking areas, in all phases of development, shall be no more than four (4) feet above the***~~

~~***highest point of the northerly catch basin in Lexington Park that is north of 40 Lexington Park.***~~

v. That the uses "dwelling, single-family, detached" and "dwelling, two-family" shall not be allowed as principle uses.

~~***vi. That the following principal uses shall be conditional uses:***~~
- ~~***community/recreation centre;***~~
- ~~***library;***~~
- ~~***post office / carrier depot;***~~
- ~~***protection and emergency services;***~~
- ~~***day care centre;***~~
- ~~***gallery/museum;***~~
- ~~***restaurant;***~~
- ~~***office;***~~
- ~~***personal services (except body modification establishment, cheque-cashing facility, funeral chapel or mortuary, clinic and adult entertainment);***~~
- ~~***medical/dental/optical/counselling clinic; and***~~
- ~~***retail sales (except auction room, landscape or garden supplies, supermarket, pawnshop and x-rated store).***~~

vi. That the following principal uses shall be conditional uses:

a. Community/recreation centre;
b. Library;
c. Post office/carrier depot;
d. Protection and emergency services; and
e. Gallery/museum.

vii. That the following uses be permitted on the ground floor of buildings alongside Lexington Park:

a. Restaurant;
b. Office;
c. Personal services (except body modification establishment, cheque-cashing facility, funeral chapel or mortuary, clinic and adult entertainment);
d. Medical/dentist/optical/counselling clinic;
e. Retail sales (except auction room, landscape or garden supplies, supermarket, pawnshop and x-rated store); and
f. Day care centre.

3. That Zoning Agreement DAZ 222/1996 (By-law No. 7069/97), registered as Caveat 2229705/1 on the subject property, be withdrawn as it affects proposed Lot 1 shown on Schedule "A" to File DASZ 5/2015.

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 (2) 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 (2)-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 Addendum to Servicing Agreement AG 222/1996.

8. 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 proposed Lot 1, shown on Schedule "A" to File DASZ 5/2015, 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.

9. That the plan of subdivision shall be approved and signed by the Director of Planning, Property and Development within one (1) year from the date the by-law is passed, failing which the matter shall be deemed to be concluded and shall not be proceeded with unless an extension of time is applied for prior to the expiry of the one-year period and Council approves the extension.

10. That, in the event the necessary City of Winnipeg mylar approval signatures have not been secured within twelve (12) months after adoption of the by-law, 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 twelve (12) month period and the extension is subsequently approved by Council.

11. 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.

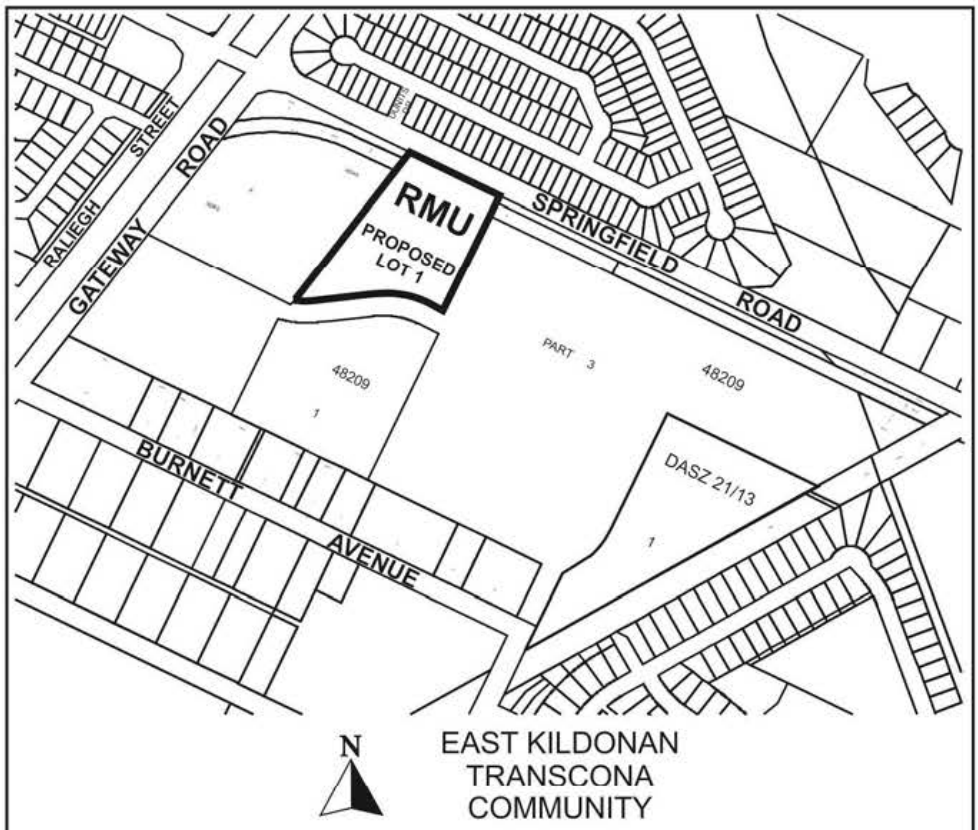
Note: The wording in bold and italics denotes amendments made by the Community Committee.

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

1. This development is consistent with Area Master Plan.
2. It is as far away from single family homes as possible and instead of it being a dozen stories it's only six.
3. It's sensitive in terms of the units facing north.
4. There are stipulations which will require the developer to pay their portion of turn lanes if needed in the future.
5. It's exciting to see additional development on this site.
6. This is a huge improvement and much more compatible with the area.
7. This is a redevelopment area in OurWinnipeg.

PUBLIC HEARING SUMMARY

File:	DASZ 5/2015
Before:	East Kildonan-Transcona Community Committee Councillor Browaty, Chairperson Councillor Schreyer
Public Hearing:	June 16, 2015 Council Building, 510 Main Street
Applicant:	McGowan Russell Group Inc. (Susan Russell)
Subject:	



APPLICANT : MCGOWAN RUSSELL GROUP
FILE : DASZ 5/15
PROPOSAL : An application for the approval of the plan of subdivision shown outlined above as may be determined by Council and for a proposed zoning change to By-law No. 200/2006 by rezoning the land shown outlined above from an "M1" MANUFACTURING LIGHT DISTRICT and "M2" MANUFACUTURING GENERAL DISTRICT to an "RMU" RESIDENTIAL MIXED USE DISTRICT to allow for the future construction of a mixed use residential/commercial building. **For information, phone Mr. G. Doney, Planner, at 204-986-2688.**

Premises Affected: 90 Lexington Park

Exhibits Filed:

1. Application dated March 6, 2015
2. Notification of Public Hearing dated April 28, 2015
3. Manitoba Status of Title 2426291/1
4. Letter of authorization dated February 27, 2015 from Palliser Furniture (Canada) Corporation to McGowan Russell Group Inc.
5. Caveats 2229705 and 2229706
6. Conceptual Context Plans (6 Pages)
7. Plan (1 page)
8. Report from the Urban Planning Division dated June 9, 2015
9. Inspection Report
10. Communication dated June 16, 2015, from Susan Russell, McGowan Russell Group Inc. with respect to the application
11. Presentation by the Applicant
12. Recording of Representations

REPRESENTATIONS:

In Support:

Diane Dawiskiba
Aaron Hirota
Robert Kurylko
Susan Russell

In Opposition

Nil

For Information:

Don Miedema
Eva Miedema
Ed Ratzlaff

For the City:

Mr. G. Doney, Senior Planner, Planning, Property and Development Department
Mr. G. Jasper, Land Development Engineer, Planning, Property and Development Department

Exhibit "8" referred to in File DASZ 5/2015

ADMINISTRATIVE REPORT

Title: DASZ 5/2015 – 90 Lexington Park

Issue: Application for Approval of

- a proposed plan of subdivision that would replace one parcel with one lot and a residual portion and
- a proposed rezoning of the proposed lot from "M1" Manufacturing Light District and "M2" Manufacturing General District to "RMU" Residential Mixed-Use District

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

AUTHORIZATION

Author	Department Head	CFO	CAO
B. Smith	M. Pittet	N/A	

RECOMMENDATIONS

1. That the plan of subdivision proposed under File DASZ 5/2015 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" to File DASZ 5/2015 dated June 9th, 2015 with such minor changes as may be required, and for registration in the Winnipeg Land Titles Office, subject to the following:

   A. That the Developer be required to enter into an Addendum to Servicing Agreement AG 222/1996 with the City containing all the conditions outlined in the report of the Administrative Coordinating Group dated May 13, 2015.

2. That the Winnipeg Zoning By-law No. 200/2006 be amended by rezoning proposed Lot 1 shown on Schedule "A" to File DASZ 5/2015 dated June 9th, 2015 to an "RMF-M" Residential Multiple-Family Medium Zoning 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, prior to the development of any building, exterior lighting, parking area, loading area, freestanding sign, private approach, landscaping, fencing, path, sidewalk, courtyard, plaza, bicycling parking area or garbage enclosure, plans, showing their

design and location, shall be submitted to the Director of Planning, Property and Development and the East Kildonan – Transcona Community Committee for approval, prior to the issuance of any building or development permit, and thereafter all to be developed in accordance with the approved plans and maintained to the satisfaction of the Director of Planning, Property and Development.

ii. That no more than ten (10) parking spaces shall be allowed in the area that would be between the principal building proposed in Phases 1 and 2 and the principal building proposed in Phase 3 and all parking spaces in this area shall be designated only for persons with disabilities and developed in accordance with Zoning By-law 200/2006.

iii. That the northerly fifteen (15) feet of proposed Lot 1, shown on Schedule "A" to File DASZ 5/2015, excluding any private approach, sidewalk or path shall be developed into a landscaped berm, in a manner that does not compromise traffic (including cyclist and pedestrian traffic) safety.

iv. That the elevation of the first floor above the indoor parking areas, in all phases of development, shall be no more than four (4) feet above the highest point of the northerly catch basin in Lexington Park that is north of 40 Lexington Park.

v. That the uses "dwelling, single-family, detached" and "dwelling, two-family" shall not be allowed as principle uses.

vi. That the following principal uses shall be conditional uses:
- community/recreation centre;
- library;
- post office / carrier depot;
- protection and emergency services;
- day care centre;
- gallery/museum;
- restaurant;
- office;
- personal services (except body modification establishment, cheque-cashing facility, funeral chapel or mortuary, clinic and adult entertainment);
- medical/dental/optical/counselling clinic; and
- retail sales (except auction room, landscape or garden supplies, supermarket, pawnshop and x-rated store).

3. That Zoning Agreement DAZ 222/1996 (By-law No. 7069/97), registered as Caveat 2229705/1 on the subject property, be withdrawn as it affects proposed Lot 1 shown on Schedule "A" to File DASZ 5/2015.

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 (2) 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 (2)-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 Addendum to Servicing Agreement AG 222/1996.

8. 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 proposed Lot 1, shown on Schedule "A" to File DASZ 5/2015, 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.

9. That the plan of subdivision shall be approved and signed by the Director of Planning, Property and Development within one (1) year from the date the by-law is passed, failing which the matter shall be deemed to be concluded and shall not be proceeded with unless an extension of time is applied for prior to the expiry of the one-year period and Council approves the extension.

10. That, in the event the necessary City of Winnipeg mylar approval signatures have not been secured within twelve (12) months after adoption of the by-law, 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 twelve (12) month period and the extension is subsequently approved by Council.

11. 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

This report is required because proposed Lot 1 cannot be created and zoned "RMU" Residential Mixed-Use District without the approval of the subdivision and rezoning application identified as File DASZ 5/2015. This report analyses the proposed subdivision, rezoning and development in terms of compliance with *Complete Communities* and the *Palliser Major Redevelopment Site Area Master Plan* and makes recommendations accordingly.

One variance is also required to create the proposed lot because the proposed lot would not abut a public street when Springfield Road is closed. That application is identified as File DAV 15-114494D. A report, analyzing this application in terms of compliance with Section 247(3) of *The City of Winnipeg Charter* and making recommendations accordingly, has also been provided.

In addition, the submitted plans are considered conceptual and so they only indicate the general nature of the proposed development. Therefore, a complete zoning analysis of the proposed

development will not be done until final plans have been submitted in a subsequent development application. It is anticipated that variances will be required to accommodate the final plans.

IMPLICATIONS OF THE RECOMMENDATIONS

If the recommendations of the Urban Planning Division are concurred in, the subject property can be reconfigured into two parcels, one of which would be proposed Lot 1 which can then be rezoned to "RMU" Residential Mixed-Use District, in accordance with Schedule "A" to this report.

HISTORY

On September 25th, 2013, Council endorsed the *Palliser Major Redevelopment Site Area Master Plan* as Council policy.

Also on September 25th, 2013, Council approved the application to subdivide and rezone a portion of the subject property to an "RMU" District, which is identified as File DASZ 21/2013. When the subdivision process is completed, the proposed lot will be immediately northeast of the intersection of Burnett and Brunswick Street.

As a condition of approval of File DASZ 21/2013, the applicant was required to enter into a zoning agreement with the City to include the following conditions:

i. that for the development of any building and/or accessory parking area and/or signage, plans shall be submitted showing the location and design of the proposed buildings, accessory parking areas, garbage enclosures, fencing, landscaping, potential shadow impacts, lot grading plan, signage, and bicycle parking 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 all development shall be fully contained within lines drawn at 45 degree angles beginning at a point 6 feet above the east property line rising upwards towards any future building only allowing for very minor intrusions as determined by the Director of Planning, Property, and Development; and

iii. that a landscaped buffer shall be established along the entirety of the east property line to a minimum width of 25 feet.

CONSULTATION

In preparing this report there was consultation with the Administrative Coordinating Group.

SUBMITTED BY

Department	Planning, Property and Development
Division	Urban Planning
Prepared By	Glen Doney
Date	June 9th, 2015
File No.	DASZ 5/2015

Attachments and Schedules

Appendix "A," Planning Discussion

Schedule "A" of File No. DASZ 5/2015, East Kildonan – Transcona Community Committee, dated June 9th, 2015

Schedule "B," Report of the Administrative Coordinating Group – May 13, 2015

APPENDIX "A," PLANNING DISCUSSION

DATE: June 9th, 2015

FILE: DASZ 5/2015

RELATED FILE: DAV 15-114494D

COMMUNITY: East Kildonan - Transcona

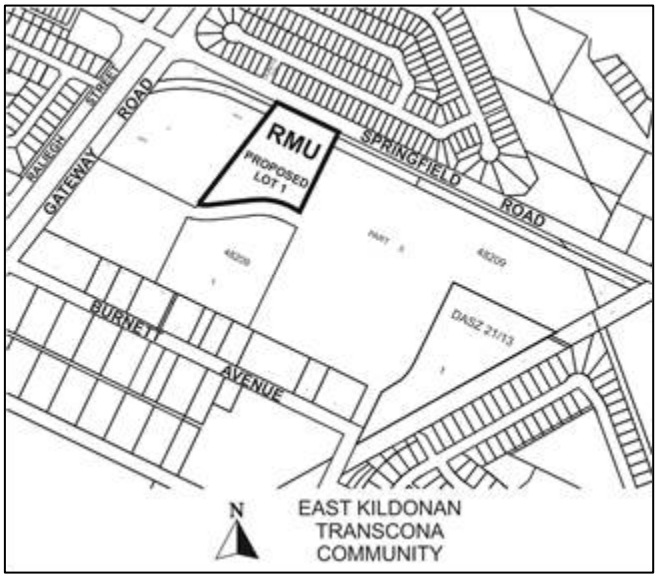
NEIGHBOURHOOD #: 4.420

SUBJECT: Application for Approval of

- a proposed plan of subdivision that would replace one parcel with one lot and a residual portion and
- a proposed rezoning of the proposed lot from "M1" Manufacturing Light District and "M2" Manufacturing General District to "RMU" Residential Mixed-Use District

LOCATION: 90 Lexington Park

LEGAL DESCRIPTION: Part of Parcel "A," Plan 32047, part of Parcel "B," Plan 46618 and Lot 3, Plan 48209



APPLICANT: McGowan - Russell
(Susan Russell)
825 St. Joseph St.
Winnipeg, MB
R2H 3A8

OWNER: Palliser Furniture (Canada) Corp.
70 Lexington Park
Winnipeg, MB
R2G 4H2

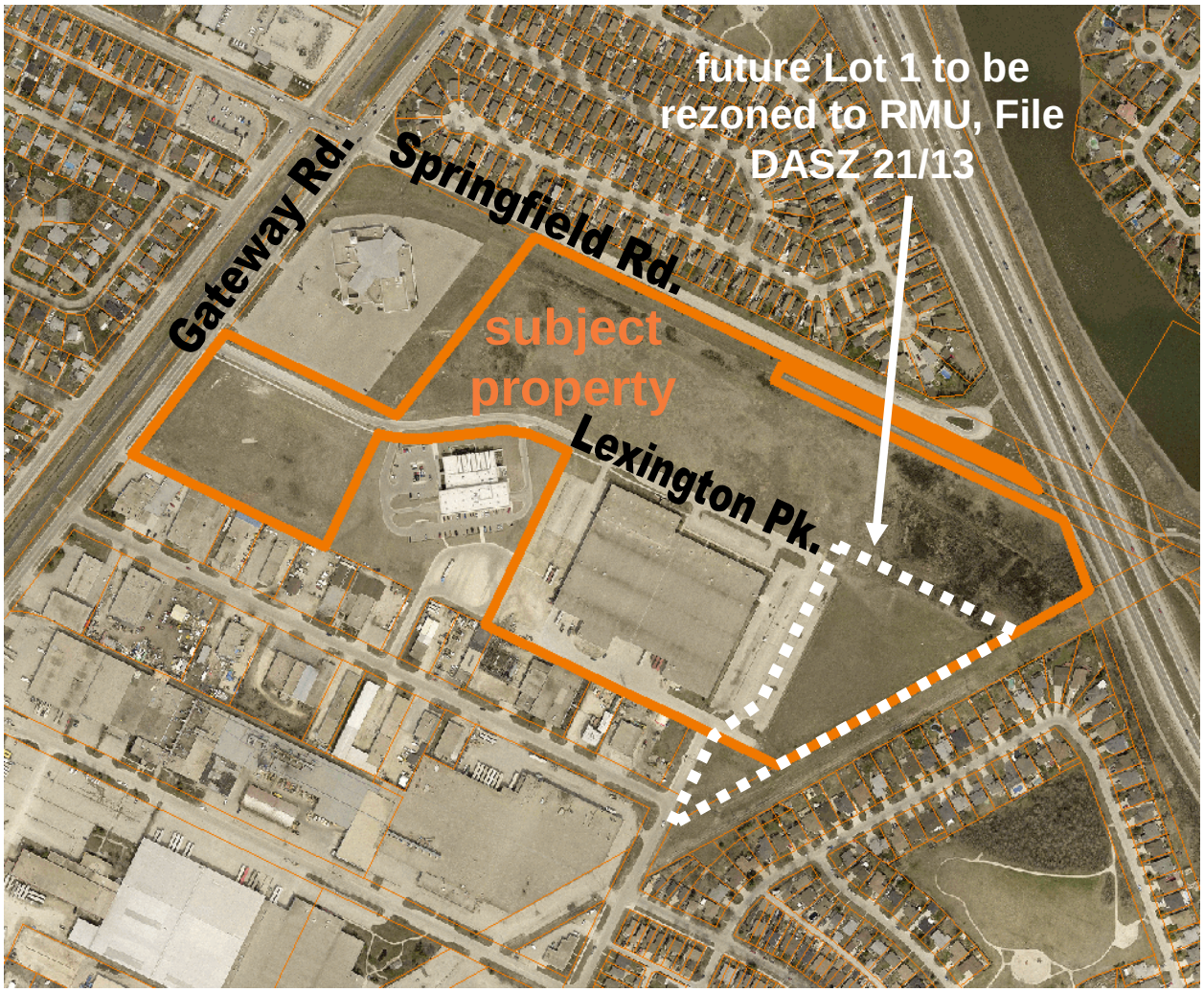
RECOMMENDATION: Approval with Conditions

SUBJECT PROPERTY DESCRIPTION

The subject property is immediately east of Gateway Road and immediately south of Springfield Road. It is in the Mcleod Industrial Neighbourhood and the North Kildonan Ward. It is 44.0 acres. A large industrial building, with offices and accessory parking, is in the southern portion of the site. The remainder is undeveloped aside from a paved road and sidewalk and other infrastructure.

From the subject property, Council approved the creation of a 6.2 acre lot and its rezoning to an "RMU" District as per File DASZ 21/2013. The applicant and owner of that land are the same as the applicant and owner of the land that is the subject of this report. They intend on developing the 6.2 acre lot into residential uses and ground floor retail sales uses in buildings ranging from four to 10 storeys. The subdivision and rezoning processes have not yet been completed.

Figure 1: 2014 Aerial Photography, subject property & future RMU lot under DASZ 21/13



The subject property is:

- partly in "M1" Districts and partly in "M2" Districts;
- in two policy areas of *Complete Communities* – General Manufacturing (which is a type of Employment Land) and Major Redevelopment Site; and
- partly in a Medium Density Residential Policy Area of the Palliser Major Redevelopment Site Area Master Plan and partly in a Landscaped Buffer Policy Area of that plan.

Public transit routes are on Raleigh Street, Gateway Road and Burnett Avenue.

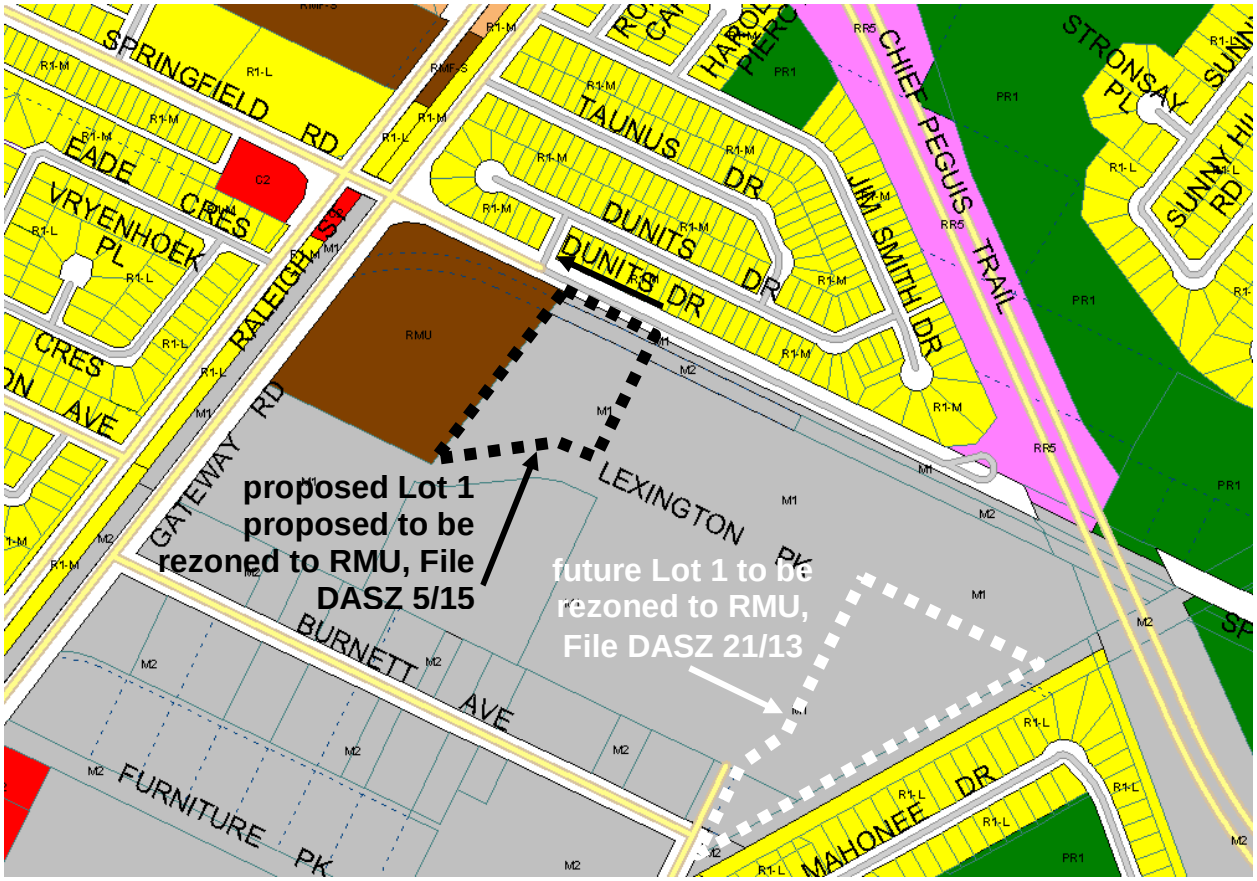
SURROUNDING LAND USE AND ZONING

Northwest of the subject property is a property in which are a place of worship and an area that is planned to be developed into a mutli-family use. This property is in an “RMU” District.

Springfield Road is north of the subject property and beyond that are single-family dwellings in “R1-M” Residential Single-Family Medium Districts.

Chief Peguis Trail is east of the subject property.

Figure 2: Zoning, proposed Lot & future RMU lot under DASZ 21/13



To the southeast is an electricity transmission corridor and beyond that are single-famliy dwellings in "R1-L" Residential Single-Family Large Districts.

To the south are industrial uses in an "M2" District.

To the west are Gateway Road, then Raleigh Street, then single-family dwellings in "R1-L" Districts.

DESCRIPTION OF THE PROPOSED SUBDIVISION, REZONING AND DEVELOPMENT

PROPOSED SUBDIVISION AND REZONING

As stated in the body of this report:

- the proposed plan of subdivision would replace one parcel with one lot and a residual portion; and
- the proposed rezoning would rezone the proposed lot from "M1" Manufacturing Light District and "M2" Manufacturing General District to "RMU" Residential Mixed-Use District.

The proposed lot would be approximately 4.8 acres.

Table 1 shows the principle uses allowed in the "RMU" District as permitted or conditional uses. Table 2 shows the dimensional requirements of the "RMU" District.

Table 1: Principle Uses Allowed in RMU

use	permitted (P) or conditional (C)	uses specific standard, yes (Y)
dwelling, live-work	C	Y
dwelling, multi-family	P	
dwelling, single-family, detached	P	
dwelling, two-family	P	
assisted living facility	P	
care home	P	Y
dormitory	C	
neighbourhood rehabilitation home	C	Y
single room occupancy	P	Y
community/recreation centre	P	
library	P	
post office / carrier depot	P	
protection and emergency services	P	
college or university	C	
commercial school	C	
elementary or junior high school	C	Y
senior high school	C	Y
community gardens	P	
park/plaza/square/playground	P	Y
day care centre	P	Y
place of worship	C	Y
cultural centre	C	
gallery/museum	P	Y
drinking establishment	C	
restaurant	P	Y
office	P	Y
personal services (except body modification establishment, cheque-cashing facility, funeral chapel or mortuary, clinic and adult entertainment)	P	Y
medical/dental/optical/counselling clinic	P	Y
retail sales (except auction room, landscape or garden supplies, supermarket, pawnshop and x-rated store)	P	Y
transit station	C	
utility facility, minor	P	Y

PROPOSED DEVELOPMENT

As previously stated, the submitted plans are considered conceptual and so they only indicate the general nature of the proposed development. Only the site plan of proposed Lot 1 is included in this report and the building interiors are blacked-out by Urban Planning to better show the buildings' relationship to proposed Lot 1 and vicinity, and to one another.

Table 2: Dimensional Requirements of the RMU District

Zoning District and Designation	Minimum Lot Area (Sq. Ft.)	Minimum Lot Area Per Dwelling Unit (Sq. Ft.)	Minimum Front Yard (Ft.)	Minimum Rear Yard (Ft.)	Minimum Interior Side Yard (Ft.)	Minimum Corner Side Yard (Ft.)	Principal Building Separation (Ft.) [note a]	Maximum Building Height (Ft.)
Multi-Family Residential Structures								
RMU	9,000	500	20	25	5 **[note b]**	20	8	100

NOTES:
a. For buildings taller than 35 ft, the principal building separation distance must be 50% of the height of the taller building to a maximum of 25 feet.
b. In the RMF-M, RMF-L, and RMU zoning districts, where a building is more than one storey in height, the required interior side yard increases by 2 feet for each storey above the ground floor to a maximum of 20 feet.

The submitted plans show:

- that one building would be constructed in Phases 1 and 2;
- that a second building would be constructed in Phase 3;
- that an open area with surface parking would be created between the two buildings;
- that over 250 dwelling units and accessory parking spaces would be created;
- that some of the accessory parking would be partially underground and some would be surface parking;
- that the proposed buildings would be six storeys; and
- that the proposed buildings would be over 140 feet from the Springfield Road right-of-way.

ANALYSIS

Given that the *Palliser Major Redevelopment Site Area Master Plan* (the Master Plan) was endorsed by Council as Council policy, and that it is consistent with *Complete Communities*, this analysis will focus on the policies of the Master Plan.

Nonetheless, because *Complete Communities* states, in Section 02, that the Major Redevelopment Site policies take precedence over the Employment Lands policies, this analysis will also consider the Major Redevelopment Site policies.

SUBDIVISION AND REZONING ANALYSIS

Section C5 of the Master Plan states that multiple-family dwellings, typically no more than 11 storeys, and townhouses are allowed as well as:

- compatible uses such as parks, open spaces and daycares;
- active uses, typically small scale, pedestrian oriented, low intensity ground floor commercial and institutional uses alongside Lexington Park (but not alongside Springfield Road).

Section C5 is consistent with Section 03-3 of *Complete Communities*, particularly the second policy of Direction 3, which states: "Support active uses (such as retail and services) on the ground floor and offices and housing on the upper floors of multi-storey developments."

These policies show that some uses that are permitted in the "RMU" District should not be allowed on proposed Lot 1 and that other uses that are allowed, should only be allowed on the ground floor of buildings on proposed Lot 1.

The uses "dwelling, single-family, detached" and "dwelling, two-family" should not be allowed as principle uses because they are not identified as allowable residential building types.

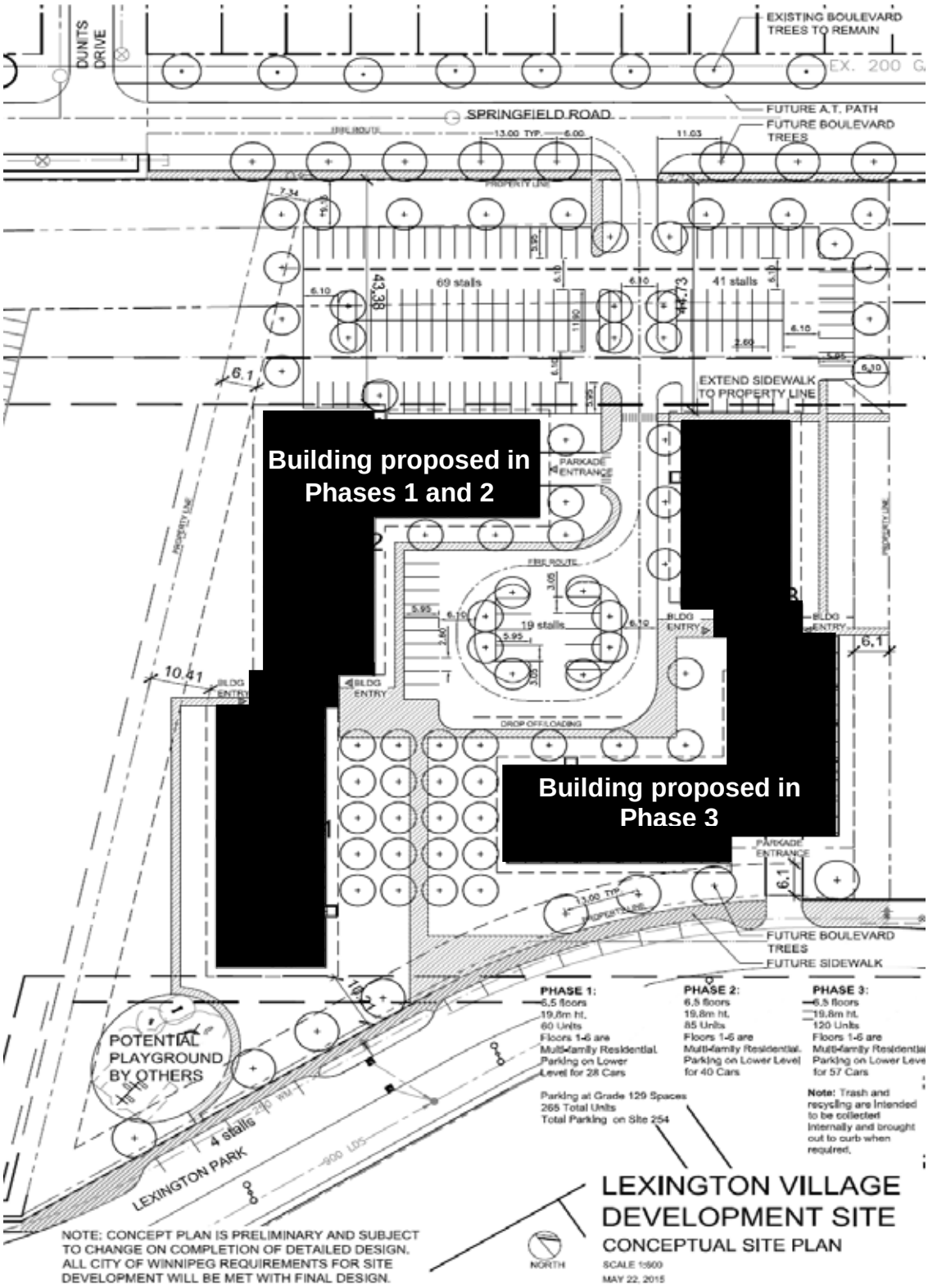
Certain other uses that are permitted uses in the "RMU" District should be conditional instead because their compliance with the Master Plan should be considered on a case-by-case basis. These uses are:

- community/recreation centre;
- library;
- post office / carrier depot;
- protection and emergency services;
- day care centre;
- gallery/museum;
- restaurant;
- office;
- personal services (except body modification establishment, cheque-cashing facility, funeral chapel or mortuary, clinic and adult entertainment);
- medical/dental/optical/counselling clinic; and
- retail sales (except auction room, landscape or garden supplies, supermarket, pawnshop and x-rated store).

Section C5 also states that the target residential density is 50 dwelling units per gross acre, which includes public reserves and public right-of-ways. This translates to approximately 700 square feet of lot area per dwelling unit, assuming 20 percent of the land consists of public reserves and public right-of-ways and 80 percent consists of developable lots.

Section C5 is also consistent with the Key Direction of Section 03-3 of *Complete Communities*, which states that "Major Redevelopment Sites will provide transformative opportunities for the development of complete communities with significant residential… densities."

Figure 3: Conceptual Site Plan, of proposed Lot 1 and vicinity

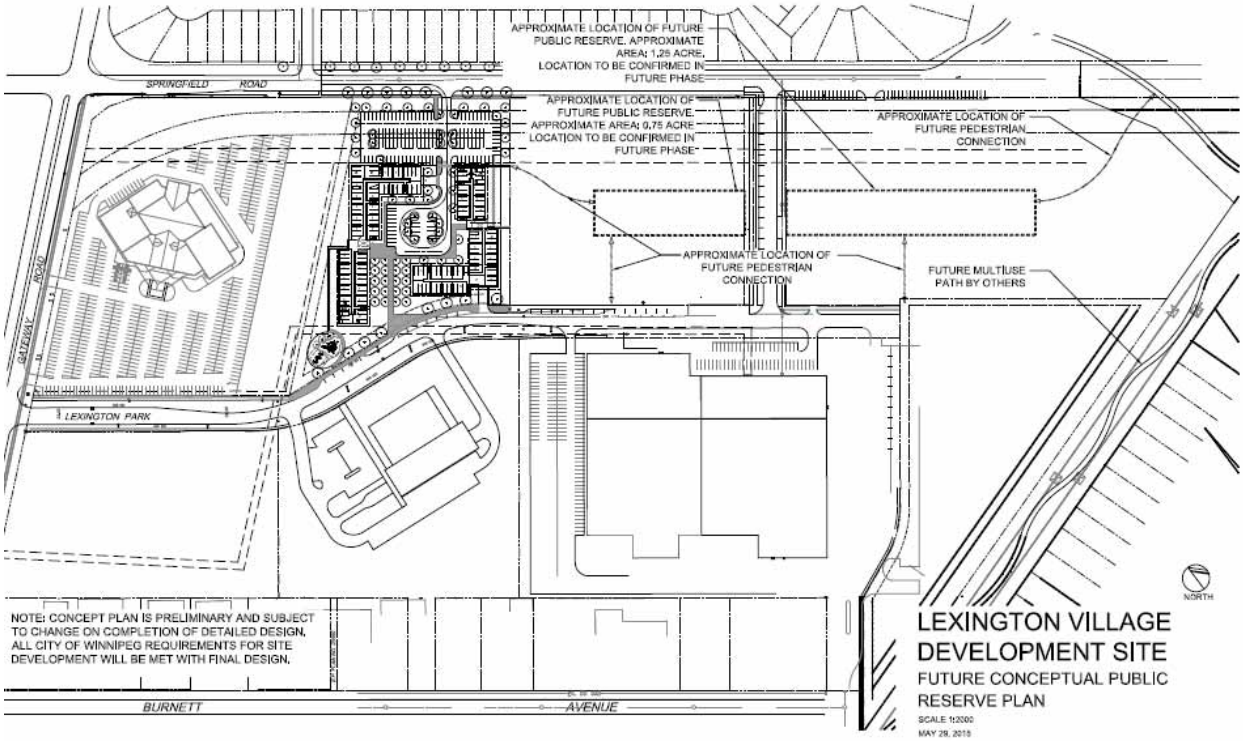


PROPOSED DEVELOPMENT ANALYSIS

Given the conceptual nature of the submitted plans, a detailed analysis of the proposed development would be premature. At this point, however, it is noteworthy that the submitted plans show that, between the two proposed buildings, an open area with surface parking would be created. Given that C7.2 of the Master Plan considers areas such as this to be publicly accessible private open space and states that this kind of space may take the form of courtyards, plazas and other pedestrian-oriented places, the area between the proposed buildings should be redesigned to be primarily for pedestrians, not motor-vehicle parking. Some parking spaces for persons with disabilities would be appropriate because this area would be close to the main entrances to the buildings.

Another aspect to the proposed development is whether it would preclude the creation of one or two public reserves that would be consistent with C7.1 of the Master Plan. C7.1 requires the locations and extents of the future public reserves to be identified in the second phase of development of the Palliser Lands Major Redevelopment Site. Figure 4 was provided by the applicant. It shows two future public reserves that would be between the lands being rezoned to "RMU" under files DASZ 5/2015 and DASZ 21/2013. Figure 4 shows that neither public reserve would be "sized to accommodate an informal, small, active sport field," which is a requirement of C7.1. It also shows that DASZ 5/2015 can proceed without precluding at least one future public reserve to be consistent with C7.1. The next phase of development should show future public reserves that would be consistent with the Master Plan.

Figure 4: Public Reserves to be Created in a Future Subdivision



REASONS FOR RECOMMENDATIONS

As stated in the body of the report, the Urban Planning Division recommends approval subject to the condition that the applicant enter into a Zoning Agreement with the City to include the conditions:

i. That, prior to the development of any building, exterior lighting, parking area, loading area, freestanding sign, private approach, landscaping, fencing, path, sidewalk, courtyard, plaza, bicycling parking area or garbage enclosure, plans, showing their design and location, shall be submitted to the Director of Planning, Property and Development and the East Kildonan – Transcona Community Committee for approval, prior to the issuance of any building or development permit, and thereafter all to be developed in accordance with the approved plans and maintained to the satisfaction of the Director of Planning, Property and Development.

ii. That no more than ten (10) parking spaces shall be allowed in the area that would be between the principal building proposed in Phases 1 and 2 and the principal building proposed in Phase 3 and all parking spaces in this area shall be designated only for persons with disabilities and developed in accordance with Zoning By-law 200/2006.

iii. That the northerly fifteen (15) feet of proposed Lot 1, excluding any private approach, sidewalk or path shall be developed into a landscaped berm, in a manner that does not compromise traffic (including cyclist and pedestrian traffic) safety.

iv. That the elevation of the first floor above the indoor parking areas, in all phases of development, shall be no more than four (4) feet above the highest point of the northerly catch basin in Lexington Park that is north of 40 Lexington Park.

v. That the uses “dwelling, single-family, detached” and “dwelling, two-family” shall not be allowed as principle uses.

vi. That the following principal uses shall be conditional uses:
    - community/recreation centre;
    - library;
    - post office / carrier depot;
    - protection and emergency services;
    - day care centre;
    - gallery/museum;
    - restaurant;
    - office;
    - personal services (except body modification establishment, cheque-cashing facility, funeral chapel or mortuary, clinic and adult entertainment);
    - medical/dental/optical/counselling clinic; and
    - retail sales (except auction room, landscape or garden supplies, supermarket, pawnshop and x-rated store).

The first condition is to ensure that the development would be in substantial conformity with the Master Plan in general.

The second condition is to ensure the development would be consistent with C7.2 in particular.

The third condition is to ensure the development would be consistent with C3.2.4 and the policy map of the Master Plan, which shows a landscaped buffer along the south side of Springfield Road.

The fourth condition is to ensure the indoor parking area does not detract from the pedestrian oriented design required in C3.1 on the Master Plan.

The fifth condition is to prohibit uses that are not accommodated in the Medium Density Residential Policy Area of the Master Plan.

The six condition is to ensure the non-residential uses that are permitted in the “RMU” district and allowed in the Medium Density Residential Policy Area are established in a manner that is consistent with C3 of the Master Plan.

This Report Submitted by:
Planning, Property and Development Department
Urban Planning Division
Prepared by:
Glen Doney

PPD File # DASZ 5/2015

SCHEDULE "A" OF FILE NO. DASZ 5/2015, EAST KILDONAN – TRANSCONA COMMUNITY COMMITTEE, DATED JUNE 9th, 2015

By-Law No. _____

File No. **DASZ 5/15**

Atlas Sheet No. **V30**

N

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 at 90 Lexington Park from an "M1" MANUFACTURING LIGHT DISTRICT and "M2" MANUFACUTURING GENERAL DISTRICT to an "RMU" RESIDENTIAL MIXED USE DISTRICT to allow for the future construction of a mixed use residential/commercial building as shown outlined below.



THIRD READING : _____ EFFECTIVE DATE : _____

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No. _____

SCHEDULE "B," REPORT OF THE ADMINISTRATIVE CO-ORDINATING GROUP – May 13, 2015

RE: PROPOSED SUBDIVISION AND REZONING OF LAND LOCATED AT 90 LEXINGTON PARK - DASZ 5/2015

It is recommended that the approval of DASZ 5/2015, if granted, be subject to the applicant entering into an Addendum to Servicing Agreement AG 222/96 containing the following conditions:

1. The Developer shall, prior to the release of subdivision mylars, pay its share of the following outstanding servicing payments required by Servicing Agreement AG 222/96 and amendments thereto, on a pro-rated area basis using the area of the subject Planned Area (approximately 4.79 acres) proportioned against the total area for future development within Palliser's Lexington Village lands, as determined by the Directors of Public Works and Water and Waste;

    a) Land Drainage Trunk Charges

    b) Services in Springfield Road including pavement, ornamental lighting and land drainage sewer laterals

    c) Services in Gateway Road including watermain, land drainage sewer laterals and ornamental lighting

2. a) The Developer shall pay its share of the cost of the following improvements on a pro-rated area basis using the area of the subject Planned Area (approximately 4.79 acres proportioned against the total area for future development within Palliser's Lexington Village lands, as determined by the Director of Public Works:

        i. a portland cement concrete sidewalk to a width of 1.5m by 100mm in thickness on the south side of Springfield Road from the terminus of the concrete sidewalk to be constructed by others to Chief Peguis Trail;

        ii. an asphaltic concrete bike path to a width of 3.0m on the north side of Springfield Road from Gateway Road to Dunits Drive.

        iii. an asphaltic concrete multi-use path to a width of 3.5m on the north side of Springfield Road from Dunits Drive to Chief Peguis Trail;

iv. the full cost of the installation of traffic control signals and all related works including, but not necessarily limited to pedestrian and vehicular actuation and interconnection to adjacent traffic control signals and audible pedestrian signals at the intersection of Gateway Road and Lexington Park, when and as determined by and to the satisfaction of the Director of Public Works.

v. the following permanent roadworks at the intersection of Gateway Road and Lexington Park Road; a southbound by-pass lane on Gateway Road from Springfield Road to south of Lexington Park Road, including transition; northbound right-turn lane on Gateway Road, including transition, and all related works; all when and as determined by and to the satisfaction of the Director of Public Works.

b) In the event that the City sells to the Developer all or a portion of the Springfield Road right of way, clauses 2a) i,2a) ii, and 2a) iii can be deleted.

c) If the event that future traffic warrants the need for additional traffic improvements as listed in clauses 2a) iv and 2a) v above, the Developer shall install the improvements required as determined by and to the satisfaction of the Director of Public Works.

d) Funds previously collected for this work will be applied at the time of installation as determined by the Director of Public Works.

3. The Developer shall, at no expense to the City, cause underground electrical and telephone services to be installed to serve the Planned Area and pay the full cost to convert any existing overhead services to underground, to the satisfaction of the Director of Public Works.

4. 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.

5. 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.

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

7. The Developer shall dedicate to the City as Public Reserve at least 8% of the land within the Planned Area, landscape the dedicated land, and pay its share of the cost of serviced frontage in accordance with the Development Agreement Parameters and consistent with the policies outlined in the Palliser Major Redevelopment Site Area Master Plan, all to the satisfaction of, the Directors of Public Works and Planning, Property and Development. If the Developer is unable to dedicate the required land, the Developer shall dedicate an amount of land satisfactory to the Directors of Public Works and Planning, Property and Development, and compensate the City for any shortfalls in the amount of land, servicing and landscaping improvements not provided, at the then current values, by payment of cash, or, by the provision of an equivalent value of additional site amenities in the dedicated Public Reserves of future development phases within Palliser's Site Area Master Plan, as approved by the Directors of Public Works and Planning Property and Development.

8. It is acknowledged that the current phase of development under this application DASZ 5/2015 (approximately 4.79 acres) does not propose any Public Reserve lands, landscaping or services, therefore it is recommended that dedication of this phase of development shall be accrued with the dedication of Public Reserve for all other phases (approximately 41.79 acres) within the Palliser Major Redevelopment Site Area Master Plan and compensation tabulated, as necessary, within the final phase of development.

9. 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.

10. 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 to defray the City's administration and related costs associated with the preparation and implementation of the Addendum Agreement.

THIS REPORT SUBMITTED BY:

Administrative Co-ordinating Group
File No. DASZ 5/2015
June 9, 2015

"original signed by G. Jasper, P. Eng."
G. Jasper, P. Eng.
Land Development Branch

"original signed by C.Desjardine, P.Eng."
C. Desjardine, M.Sc.,P. Eng.
Public Works Department, Transportation Division

"original signed by M. Gagda, P.Eng."
M. Gagda, P. Eng.
Water & Waste Department

"original signed by D.Beaton, M.L.Arch"
D. Beaton, M.L.Arch.
Parks, Riverbanks, & Community Initiatives Branch

GVJ/gj