Agenda – Council – December 9, 2015

Report – Standing Policy Committee on Property and Development, Heritage and Downtown Development – November 30, 2015

Item No. 3 Rezoning – Peguis Street north of Almey Avenue (Transcona Ward) File DAZ 212/2015

STANDING COMMITTEE RECOMMENDATION:

On December 2, 2015, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development, Heritage and Downtown Development and submitted the following to Council:

1. That the Winnipeg Zoning By-law No. 200/2006 be amended by rezoning the subject land as shown on Schedule "A" to file DAZ 212/2015, dated October 17, 2015, to an "RMU" Residential Mixed Use District subject to the following:

    A. That the Developer be required to enter into a Servicing Agreement with the City containing all the conditions outlined in Schedule "B" – the report of the Administrative Coordinating Group dated September 23, 2015, with the following amendment:

        i. Add the following new condition:

            12. <u>Lit Pedestrian Crosswalk</u>

            a) When warranted by the Director of Public Works, the Developer shall, in co-operation with the City, install a lit pedestrian crosswalk on Peguis Street at Almey Avenue, to the satisfaction of the Director of Public Works.

            b) The City shall reimburse the Developer 50% of the cost of the lit pedestrian crosswalk on Peguis Street at Almey Avenue, funded from future developer obligations in the area.

Report – Standing Policy Committee on Property and Development, Heritage and Downtown Development – November 30, 2015

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

i. That all buildings and structures shall be no more than 55 feet.

ii. That, prior to the development of any building, exterior lighting, parking area, loading area, freestanding sign, private approach, landscaping, fencing, path, sidewalk, bicycle parking area or garbage enclosure, plans, showing their appearance 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.

iii. That windows be permitted on floors two, three, and four of the southernmost façade, subject to the application of the Building Code.

iv. That mobile signs be prohibited.

2. That, in lieu of the dedication of land, the Developer shall provide a cash payment representing 10% of the appraised value of the Development Application, as determined by the City.

3. That subject to written permission from the applicant and the property owners of 459, 463, 475, 489, 505, 515 and 521 Almey Avenue, the applicant shall facilitate and purchase a land survey to determine if land drainage through the neighbouring City-owned PR1 land will alleviate the current land drainage issues on their properties. This obligation shall be up to a maximum cost to the applicant of $5000.00.

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

5. That, in the event the application is not proceeded with expeditiously and the by-law is not enacted 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 this two (2) year period and the extension is subsequently approved by Council.

Report – Standing Policy Committee on Property and Development, Heritage and Downtown Development – November 30, 2015

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

7. 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 lands, provided that the said effective date occurs within one year from the date the by-law is passed.

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

9. 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, Heritage and Downtown Development – November 30, 2015

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On December 2, 2015, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development, Heritage and Downtown Development and submitted the matter to Council.

STANDING COMMITTEE RECOMMENDATION:

On November 30, 2015, the Standing Policy Committee on Property and Development, Heritage and Downtown Development concurred in the recommendation of the East Kildonan-Transcona Community Committee, with the following amendments:

- Delete "Prior to the issuance of a building permit for the superstructure" and replace it with "When warranted by the director of Public Works" in recommendation 1.A.i.12.a).

- That the last sentence of recommendation 1.A.i.12.b) be deleted.

- Delete "measured to the top of the roof and excluding any electrical/mechanical units" from recommendation 1.B.i.

- Delete recommendation 1.B.iii. in its entirety and replace it with the following:

  1.B.iii. That windows be permitted on floors two, three, and four of the southernmost façade, subject to the application of the Building Code."

- Add "applicant and the" before "property owners" in recommendation 3.

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

COMMUNITY COMMITTEE RECOMMENDATION:

On November 17, 2015, the East Kildonan-Transcona Community Committee concurred in the recommendation of the Winnipeg Public Service with the following amendments:

Report – Standing Policy Committee on Property and Development, Heritage and Downtown Development – November 30, 2015

DECISION MAKING HISTORY (continued):

COMMUNITY COMMITTEE RECOMMENDATION (continued):

- Add the following to recommendation 1.A. after "September 23, 2015":

  ", with the following amendment:

  i. Add the following new condition:

  12. Lit Pedestrian Crosswalk

  a) Prior to the issuance of a building permit for the superstructure, the Developer shall, in co-operation with the City, install a lit pedestrian crosswalk on Peguis Street at Almey Avenue, to the satisfaction of the Director of Public Works.

  b) The City shall reimburse the Developer 50% of the cost of the lit pedestrian crosswalk on Peguis Street at Almey Avenue, funded from future developer obligations in the area. In the event that the said future obligations do not materialize upon the installation of the lit pedestrian crosswalk, the 50% reimbursement shall come from the Transcona Land Dedication Fund, and that that funding shall be reimbursed by any future developer obligations in the area."

- Delete recommendation 1.B.i. and replace it with the following:

  1.B.i. That all buildings and structures shall be no more than 55 feet measured to the top of the roof and excluding any electrical/mechanical units.

- Add the following new recommendations after 1.B.ii.:

  1.B.iii. That no windows be permitted on floors two, three, and four of the southernmost façade.

  1.B.iv. That mobile signs be prohibited.

- That the following new recommendation 3 be added and the remaining recommendations be renumbered accordingly:

Report – Standing Policy Committee on Property and Development, Heritage and Downtown Development – November 30, 2015

DECISION MAKING HISTORY (continued):

COMMUNITY COMMITTEE RECOMMENDATION (continued):

> "3. That subject to written permission from the property owners of 459, 463, 475, 489, 505, 515 and 521 Almey Avenue, the applicant shall facilitate and purchase a land survey to determine if land drainage through the neighbouring City-owned PR1 land will alleviate the current land drainage issues on their properties. This obligation shall be up to a maximum cost to the applicant of $5000.00."

and forwarded to the Standing Policy Committee on Property and Development, Heritage and Downtown Development.

COMMUNITY COMMITTEE RECOMMENDATION:

On October 20, 2015, the East Kildonan-Transcona Community Committee adjourned the public hearing to its meeting on November 17, 2015, at 6:00 p.m., in the Council Building 510 Main Street, and requested the applicant to consult with the neighbour and work with the Winnipeg Public Service to determine if the building can be moved to the north side of the property.

RE: **Rezoning – Peguis Street north of Almey Avenue**
File DAZ 212/2015

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: **November 20, 2015**

COMMUNITY COMMITTEE RECOMMENDATION:

On November 17, 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 Winnipeg Zoning By-law No. 200/2006 be amended by rezoning the subject land as shown on Schedule "A" to file DAZ 212/2015, dated October 17, 2015, to an "RMU" Residential Mixed Use District subject to the following:

    A. That the Developer be required to enter into a Servicing Agreement with the City containing all the conditions outlined in Schedule "B" – the report of the Administrative Coordinating Group dated September 23, 2015***, with the following amendment:***

        i. Add the following new condition:

            12. <u>Lit Pedestrian Crosswalk</u>

            a) Prior to the issuance of a building permit for the superstructure, the Developer shall, in co-operation with the City, install a lit pedestrian crosswalk on Peguis Street at Almey Avenue, to the satisfaction of the Director of Public Works.

            b) The City shall reimburse the Developer 50% of the cost of the lit pedestrian crosswalk on Peguis Street at Almey Avenue, funded from future developer obligations in the area. In the event that the said future obligations do not materialize upon the installation of the lit pedestrian crosswalk, the 50% reimbursement shall come from the Transcona Land Dedication Fund, and that that funding shall be reimbursed by any future developer obligations in the area.

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

i. That all buildings and structures shall be no more than 55 feet measured to the top of the roof and excluding any electrical/mechanical units.

ii. That, prior to the development of any building, exterior lighting, parking area, loading area, freestanding sign, private approach, landscaping, fencing, path, sidewalk, bicycle parking area or garbage enclosure, plans, showing their appearance 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.

iii. That no windows be permitted on floors two, three, and four of the southernmost façade.

iv. That mobile signs be prohibited.

2. That, in lieu of the dedication of land, the Developer shall provide a cash payment representing 10% of the appraised value of the Development Application, as determined by the City.

3. That subject to written permission from the property owners of 459, 463, 475, 489, 505, 515 and 521 Almey Avenue, the applicant shall facilitate and purchase a land survey to determine if land drainage through the neighbouring City-owned PR1 land will alleviate the current land drainage issues on their properties. This obligation shall be up to a maximum cost to the applicant of $5000.00.

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

5. That, in the event the application is not proceeded with expeditiously and the by-law is not enacted 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 this two (2) year period and the extension is subsequently approved by Council.

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

7. 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 lands, provided that the said effective date occurs within one year from the date the by-law is passed.

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

9. 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.

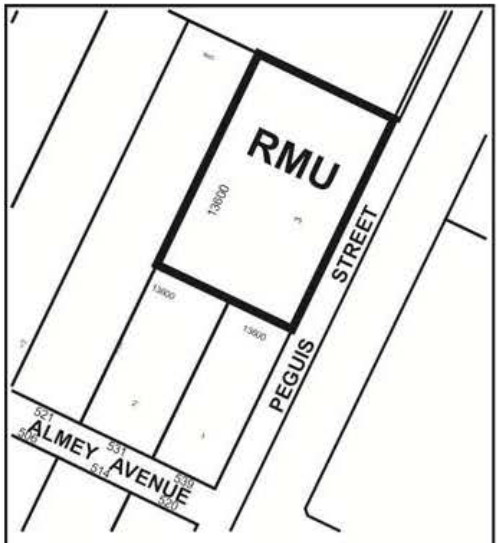
The East Kildonan-Transcona Community Committee provided the following supporting reason(s) for its recommendation:

1. There is a land drainage issue and hopefully the amendments to this application made will help to address the issues going forward.
2. I would argue that the property values are increasing and not decreasing due to improvements in the area.
3. With the implementation of the new portion of Reenders Drive, traffic on Almey Avenue and Ravelston Avenue West will be reduced and the residents will finally get there street back.
4. The proponent and developer live on Almey, which isn't common. Typically developers don't live in the area and are far removed.
5. This application will provided medical amenities in the neighbourhood which are definitely needed and will be walking distance for area residents.
6. It is unlikely that single family development will occur on this portion of Peguis Street.
7. The limitation of height, ensuring the building is a maximum height of four stories, is a positive.
8. The property owner has pushed the building further towards Peguis Street , approximately forty to forty five feet away from the other property line, which wasn't the case before.
9. When the site plan approval comes to Community Committee we will require vegetation and trees to be planted along that will, over time, eliminate the views of the building completely.
10. The windows on the southernmost portion of the building have been removed, reducing the ability for people looking in to backyards.
11. The fencing will be considered during site plan approval and it will be consistent with the area, which is at a high level in terms of aesthetic value.
12. There are bike paths along the street which were never there before.
13. You can get in and out of the neighbourhood without having to necessarily drive and in the future residents will have access to commercial properties in the south.

14. This area is country living with amenities nearby.
15. Quality of life will be improved due to lower traffic volumes on Almey Avenue and that can't be discarded.
16. The balconies aren't directed into the yards or towards the direction of the homes on Almey Avenue.
17. The lighted pedestrian corridor is very important in terms of safety.
18. The contribution from the developer will go toward parks in the area and help with drainage issues.

PUBLIC HEARING SUMMARY

File:	DAZ 212/2015
Before:	East Kildonan-Transcona Community Committee Councillor Wyatt, Chairperson Councillor Schreyer
Public Hearing:	November 17, 2015 Council Building, 510 Main Street
Applicant:	John van Leeuwen Architecture and Design
Subject:	



Premises Affected: Peguis Street north of Almey Avenue

Exhibits Filed:

1. Application dated July 3, 2015
2. Notification of Public Hearing dated August 28, 2015
3. Manitoba Status of Title 2226777/1
4. Letter of authorization dated March 24, 2015 from Abdo Eltassi to John van Leeuwen Architecture and Design
5. Plans (4 pages)
6. Drawing of the subject property
7. Revised Site plans dated October 16, 2015 (5 pages)
8. Inspection Report
9. Report from the Urban Planning Division dated October 17, 2015
10. Recording of Representations of public hearing held on October 20, 2015
11. Notice of Adjournment dated October 29, 2015
12. Revised Report from the Urban Planning Division dated November 16, 2015
13. Site Plans and Elevations (2 pages)
14. Revised Site plans dated November 9, 2015 (6 pages)
15. Communication dated November 16, 2015, from Shahina Siddiqui in support of the application
16. Submission from the Applicant at the public hearing
17. Photos submitted by the Applicant at the public hearing
18. Submission dated November 17, 2015, from Mark Newman in opposition to the application
19. Recording of Representations of public hearing held on November 17, 2015

REPRESENTATIONS:

In Support:

John van Leeuwen
Bruce King
Albert Eltassi
Louay Alghool
Beverly Maria
Victor Maria
Wes Schollenberg
Khalid Moustarzak
Taolifik Mahir
Darrell Knapp
Madi Aboumrad
Abed Moussa

Tarek Eltassi
Jihad Zahra
Fouad Elmazini
Ahmed Essa
Adel Zahra
Dr. Farmih Chebib
Adnan Alichahab
Sam Tassi
Laila Chebib
Mary Omar
Hamdlloh Zeid
Omar Tasse
Noris Zeid
Omar Sharif
Abdirizak Barud
Muse Askar
Nabeal Tasse
Mohamed Tassi
Dr. Ahnad Khalil
Iakrim Zeid
Munther Zeid
Othman Zeid
Ramsey Zeid
Wajih Zeid
Bilal Zeid
Ali Zeid
Hassad Zeid
Sam Harb
Ieman Zeid
Raad Al-Aliyawi
Altino Teles
Mohamed Eltassi
Judy Richichi
Mohammed Abas
Saeed Abou-Mrad
Shhade Almansour
Lawrance Atiyat
Wajih Zeid
Shahina Siddiqui

In Opposition

Mark Newman
Nicole Rakowski

Fred Rakowski
George Hartwig
Judy Pshednovak
Christine Piotrowski
Scott Thurston
Iris Spitula
John McCafferty
Jeff Cooke
Sonya Carriere
Marcel Carriere
Judith Burym
Angela Tuck
Cliff Tuck
Rosina Gaudio
Magdalene Gollub
Sue Hailstone
Terry Tschmier
Troy Hildebrand

For Information:

Nil

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 “12” referred to in File DAZ 212/2015

REVISED ADMINISTRATIVE REPORT

Title: DAZ 212/2015, West Side of Peguis Street, North of Almey Avenue

Issue: a proposed rezoning, from “RR5” Rural Residential 5 to “RMU” Residential Mixed Use to accommodate a proposed residential mixed-use development

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

AUTHORIZATION

Author	Division Head	Department Head	CFO	CAO
Glen Doney	B. Smith	n/a	n/a	

RECOMMENDATIONS

1. That the Winnipeg Zoning By-law No. 200/06 be amended by rezoning the subject land as shown on Schedule “A” to file DAZ 212/2015, dated October 17, 2015, to an “RMU” Residential Mixed Use District subject to the following:

   A. That the Developer be required to enter into a Servicing Agreement with the City containing all the conditions outlined in Schedule “B” – the report of the Administrative Coordinating Group dated September 23, 2015.

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

      i That all buildings and structures shall be no more than 70 feet in height.

      ii That, prior to the development of any building, exterior lighting, parking area, loading area, freestanding sign, private approach, landscaping, fencing, path, sidewalk, bicycle parking area or garbage enclosure, plans, showing their appearance 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.

2. That, in lieu of the dedication of land, the Developer shall provide a cash payment representing 10% of the appraised value of the Development Application, as determined by the City.

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

4. That, in the event the application is not proceeded with expeditiously and the by-law is not enacted 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 this two (2) year 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 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 lands, provided that the said effective date occurs within one year from the date the by-law is passed.

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

This report provides information on, and makes recommendations regarding, Rezoning Application DAZ 212/2015. This report is available for consideration at the public hearing required by the *Development Procedures By-law* and *The City of Winnipeg Charter.*

It is necessary to submit this revised report because the applicant modified the design of the proposed development.

IMPLICATIONS OF THE RECOMMENDATIONS

If DAZ 212/2015 is approved, the rezoning process can be completed, and the proposed development would then comply with Zoning By-law 200/2006.

CONSULTATION

The City's Administrative Coordinating Group was consulted in the preparation of this report.

SUBMITTED BY

Department	Planning, Property and Development
Division	Urban Planning
Prepared by	Glen Doney
Date	November 16, 2015
File No.	DAZ 212/2015

Attachments

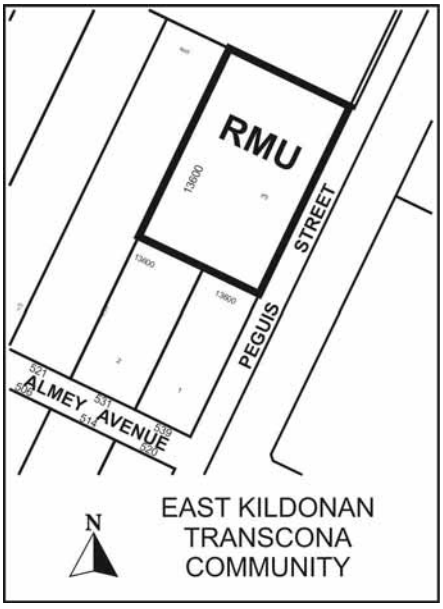
Appendix "A," Planning Discussion

Schedule "A" to File No. DAZ 212/2015, East Kidonan - Trancona Community Committee, Dated October 17, 2015

Schedule "B" – Report of the Administrative Coordinating Group – September 23, 2015

APPENDIX "A," PLANNING DISCUSSION

DATE:	November 16, 2015
FILE:	DAZ 212/2015
COMMUNITY:	East Kildonan - Transcona
NEIGHBOURHOOD #:	4.417
SUBJECT:	a proposed rezoning, from "RR5" Rural Residential 5 to "RMU" Residential Mixed Use to accommodate a proposed residential mixed-use development
LOCATION:	west side of Peguis Street, north of Almey Avenue
LEGAL DESCRIPTION:	Lot 3, Plan 13600



APPLICANT:	John Van Leeuwen Architecture and Design 211 – 63 Albert Street Winnipeg R3B 1G4
OWNER:	Abdo El Tassi 353 Almey Avenue Winnipeg R3W 1P4
RECOMMENDATION:	Approval with Conditions

SITE DESCRIPTION

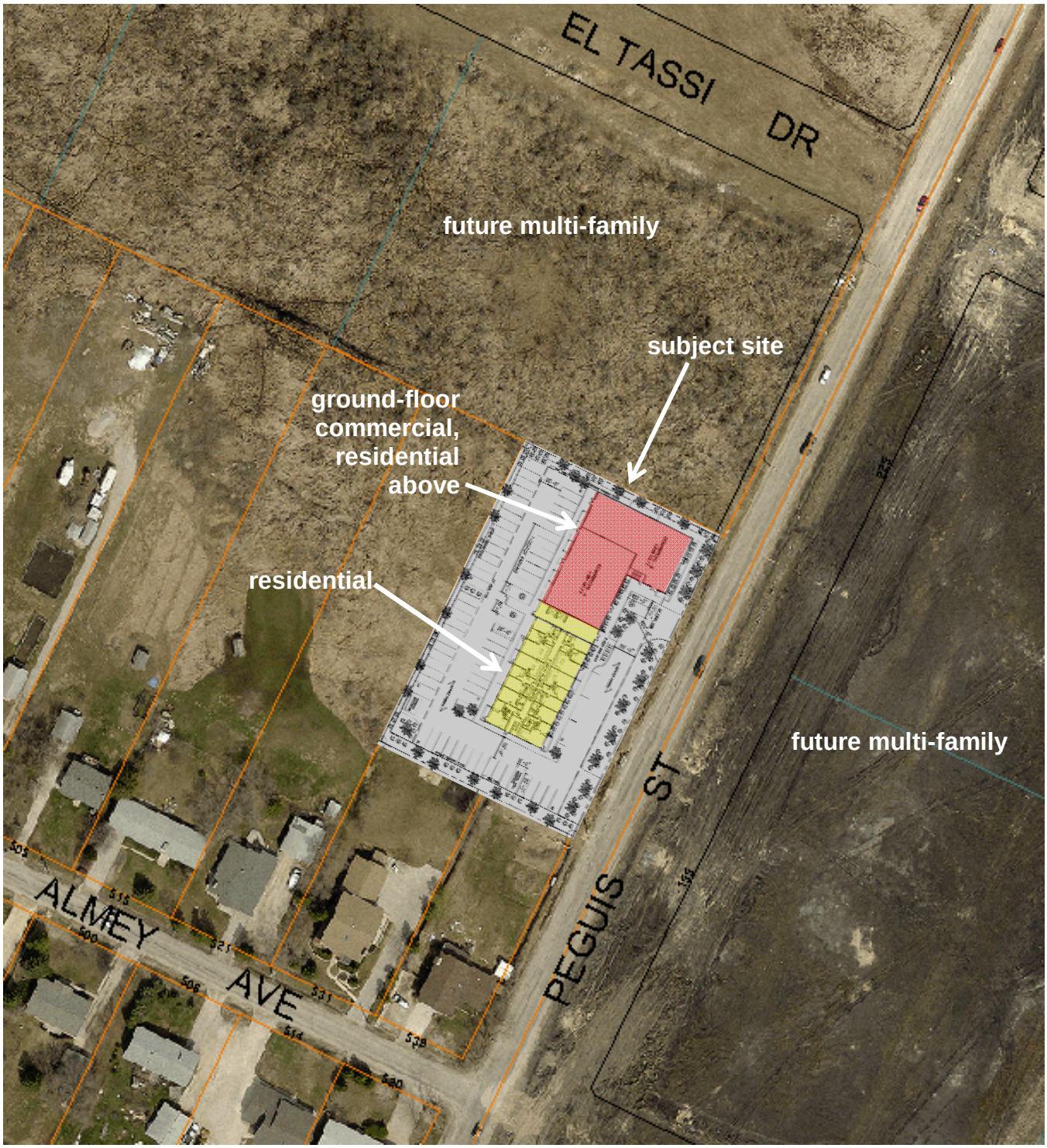
The site, shown on Figures 1 and 2, is:

- on the west side of Peguis Street, north of Almey Avenue, in the Peguis Neighbourhood and the Transcona Ward;
- an undeveloped lot, approximately 1.2 acres and 291 feet wide;
- in a Recent Communities Policy Area, which is a type of Areas of Stability Policy Area of *Complete Communities*;

- in the Almey-Ravelston Special Planning Area, a Proposed Residential Mixed-Use Policy Area and a Natural Areas Policy Area of the *Transcona West Area Structure Plan* (Transcona West Plan); and
- flanked to the east by a Future Pathway Policy Feature of the Transcona West Plan.

North of the site is an “RMF-L” Residential Multi-Family Large District (with a maximum building height

Figure 1: 2014 Aerial Photography, Proposed Site and Ground Floor Plan **North↑**

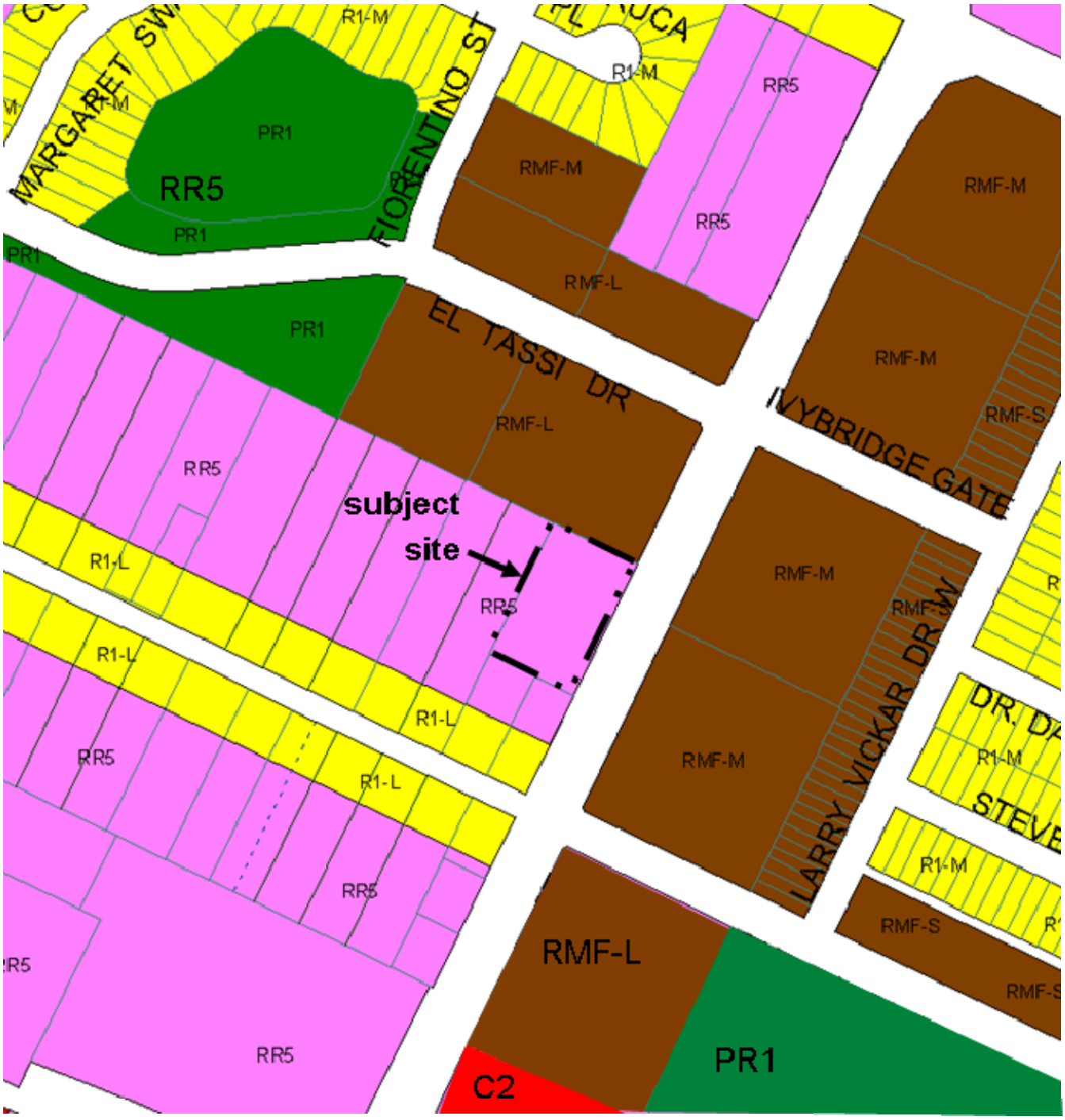


limit of 150 feet). Across Peguis Street from the site multi-family dwellings will be constructed in an "RMF-M" Residential Multi-Family Medium District (which has a maximum height requirement of 60 feet).

Peguis Street (just east of the site) is being redeveloped into a four lane road with a median and sidewalks/paths.

South and west of the site are single-family dwellings. The two to the south are on lots that are approximately 19,000 square feet. Most of the dwellings to the west are on lots that are approximately one acre.

Figure 2: Existing Zoning and Existing Lots **North↑**



PROPOSED REZONING AND DEVELOPMENT

Tables 1 and 2 show the principal-use regulations and dimensional standards of the "RMU" District. The use specific standards include maximum floor area requirements that apply to:

- galleries and museums;
- clinics;
- offices;
- personal service uses not specifically listed;
- retail sales uses not specifically listed; and
- restaurants.

No variances are required to accommodate the proposed development.

Figures 1 includes a site and ground floor plan of the proposed development, which was revised after the October 20th community committee meeting. The proposed development would consist of:

- one principal building, four storeys, with six ground floor apartment style dwelling units, two ground floor commercial units with a total floor area of nearly 8,000 square feet, and 42 dwelling units on the floors above, with main entrances accessed from the rear and front yards;
- 73 accessory surface parking spaces accessed by one private approach that would align with a future median opening to be centred on the boundary between the two lots across Peguis Street;
- outside parking for eight bicycles;
- one garbage enclosure;
- landscaping, including fences along the side and rear lot lines; and
- sidewalks, one of which would extend to the westerly sidewalk/path being built in Peguis Street.

Table 1: Principal Uses Allowed in the "RMU" District

Principal Use	**Regulation** (See Note 1.)
dwelling, live-work	C*
dwelling, multi-family	P
dwelling, single-family detached	P
dwelling, two-family	P
assisted living facility	P
care home	P*
dormitory	C
neighbourhood rehabilitation home	C*
single room occupancy	P*
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*
senior high school	C*
community gardens	P
park/plaza/square/playground	P*
day care centre	P*
place of worship	C*
cultural centre	C
gallery/museum	P*
drinking establishment	C
restaurant	P*
office	P*
personal services (See Note 2.)	P*
medical/dental/optical/counselling clinic	P*
retail sales (See Note 2.)	P*
transit station	C
utility facility, minor	P*
Note 1: P = permitted; C = conditional; * = use specific standard	
Note 2: This does not include personal services or retail sales uses listed separately in the principal use table.	

The proposed development has been modified by locating the ground floor commercial area at the north end of the proposed building and placing the bulding 11 feet from the northern limit of the site.

This is in response to a concern expressed by an owner and resident of the property immediately west of the site.

Table 2: Dimensional Standards 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.

ANALYSIS AND ISSUES

Complete Communities

Complete Communities is a companion document to *OurWinnipeg* that provides the same directions and policies on land use and development as *OurWinnipeg* as well as several other directions and policies, thereby providing a broad framework with which to evaluate land use and development proposals.

The proposed rezoning to "RMU" and much of the proposed development comply with *Complete Communities* in general and in particular with:

- the third, fifth and ninth policies of Direction 1 of Section 04 which state, respectively:
  - "Promote the form of buildings and spaces that are sensitive to the community context and address the transition between new and existing developments";
  - "Encourage intensification to occur… along corridors"; and
  - "Support a mix of commercial services… that serve the local community";

  because, respectively,

  - the proposed building would only be four storeys and would be well separated from existing dwellings (as shown in Figure 1),
  - the site is alongside a public street being redeveloped into a major collector road flanked by sidewalks/paths,
  - the proposed zoning accommodates residential and commercial uses and limits the intensity of theses uses (maximum number of dwelling units per acre = 87 = 43,560 / 500 SF lot area per dwelling unit and use specific standards that are commercial floor area maximums) and
  - the proposed building includes commercial space that is at a local scale; and

- Direction 1 of Subsection 04-2, which states: "…intense and diverse development will be encouraged in… corridors" because, as previously stated, the site is alongside a public street being redeveloped into a major collector road and sidewalks/paths.

However, the "RMU" District's maximum height requirement of 100 feet is 67 percent higher than the "RMF-M" District's requirement of 60 feet. Given that large areas across Peguis Street from the site are zoned "RMF-M," (shown in Figure 2), the maximum height of development on the site should be similar to the 60 foot maximum of the "RMF-M" District. A 70 foot maximum, that could not be varied, would ensure compatibility without being overly restrictive.

In addition, Direction 1 of Subsection 04-2, of *Complete Communities* states: "Improve the sustainability of recent residential neighbourhoods by promoting better walking… and transit access to retail, employment and community facilities."

To provide a direct route for pedestrians, another sidewalk should be established to connect the northerly commercial space to the nearest public sidewalk in Peguis Street. It should be in front of, or north of the entrance that faces Peguis Street. To increase the safety of pedestrians a crosswalk should extend across the parking aisle such that it connects the sidewalk along the south side of the proposed building to the proposed sidewalk to the east. In addition, a sidewalk and a cross walk should extend from the sidewalk near the southeast corner of the proposed building to the front of the garbage enclosure.

These changes would be consistent with Direction 1 stated above and can be required through the plan approval process.

Transcona West Plan

The proposed rezoning and the associated proposed development comply with this plan in general and in particular with:

- Subsection 5.4.2, (1)(a)(i) and (1)(a)(ii), which state:
  - "a significant use of land within the Residential Mixed Use Areas will incorporate… medium and higher density residential uses"; and
  - "institutional, office, recreational or public uses that complement and support the area" and "local, retail or community-scale commercial uses and services that are compatible with higher residential densities" may be allowed.

If the aforementioned sidewalks and crosswalks are added to the proposed development, the development would also comply with Subsection 5.4.2, (3)(a)(ii), which states that Residential Mixed Use Areas "shall contain… a well-defined pedestrian oriented component that emphasizes…internal pedestrian routes to buildings and amenities."

Compatibility with Existing and Future Land Uses

The proposed rezoning would be compatible with existing and future land uses if the proposed rezoning includes a zoning agreement:

- limiting the building height to a maximum of 70 feet; and
- requiring development to be consistent with plans, showing the appearance and location of development in the site, that have been approved by the Director of Planning, Property and Development and the East Kildonan – Transcona Community Committee.

REASONS FOR RECOMMENDATIONS

The Planning and Land Use Division recommends approval because the proposed rezoning and development would be:

- consistent with *Complete Communities* and, therefore, *OurWinnipeg*;
- consistent with the Transcona West Plan; and
- compatible with existing and future land uses;

if the aforementioned zoning agreement is entered into.

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

Report Prepared by:
Glen Doney

PPD File #:
DAZ 212/2015

Schedule "A" to File No. DAZ 212/2015, East Kidonan - Trancona Community Committee, Dated October 17, 2015

By-Law No. _____

File No. **DAZ 212/15**

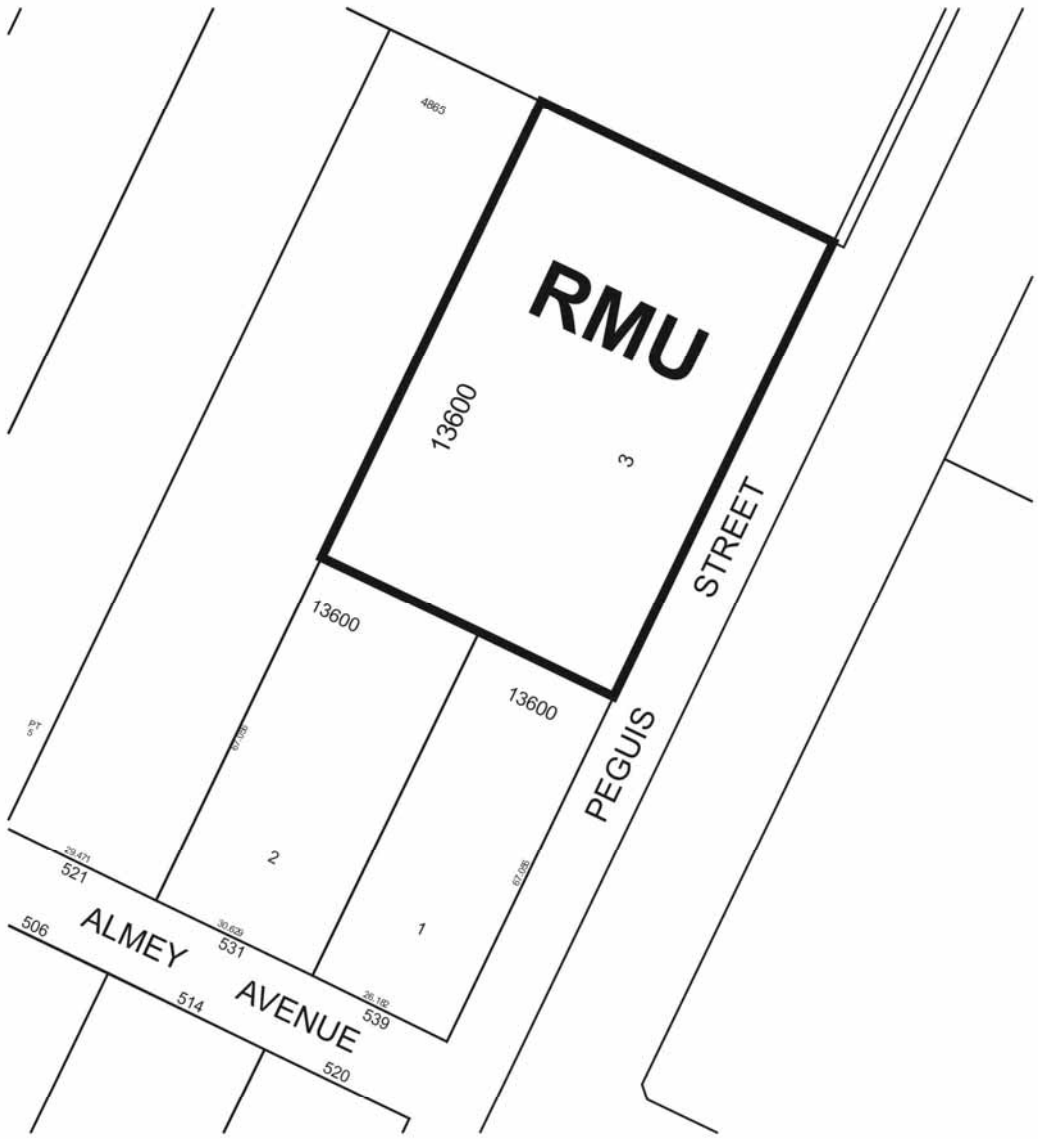
Atlas Sheet No. **Y31**

N

EAST KILDONAN TRANSCONA COMMUNITY

Explanation

A proposed zoning change to By-law No. 200/2006 by rezoning the land located on Peguis Street, Lot 3 Plan 13600 from an "RR5" RURAL RESIDENTIAL 5 DISTRICT to an "RMU" RESIDENTIAL MIXED USE DISTRICT to allow for the establishment of multi-family dwelling and commercial uses as shown outlined below.



THIRD READING : _____ EFFECTIVE DATE : _____

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No. _____

SCHEDULE "B"

REPORT OF THE ADMINISTRATIVE CO-ORDINATING GROUP – September 23,2015

RE: PROPOSED REZONING OF LAND LOCATED ON PEGUIS STREET, LOT 3 PLAN 13600 – DAZ 212/2015

It is recommended that the approval of DAZ 212/2015, if granted, be subject to the applicant entering into a Servicing Agreement addressing the following items:

1) Payment of Servicing Charges

The Developer shall pay to the City, on demand, their share of the following:

a) the existing water main in Peguis Street,
b) the existing wastewater sewer in Almey Avenue for private, non-conforming sewer service connection,
c) the regional stormwater management facilities Trunk Service Charge (TSR) and
d) the Cal Gardner Drive land drainage sewer oversizing

All as determined by and to the satisfaction of the Director of Water and Waste.

2) Construction of Land Drainage Sewer

The Developer shall at no expense to the City construct the land drainage sewer from Cal Gardner Drive to service the Planned Area as determined by and to the satisfaction of the Director of Water and Waste

3) Lot Grading

a) The Developer shall, at no expense to the City, provide to the City all easements the City considers necessary with respect to the installation, construction, maintenance, and replacement of swales, catchbasins, and leads for drainage of the Planned Area.
b) Prior to the issuance of building permits, the Developer shall, at no expense to the City:
    i. Submit to the City, for approval, a lot grading plan for the Planned Area, prepared by a municipal engineer; and
    ii. Construct all swales, catchbasins, and leads necessitated by the approved lot grading plan

4) Site Access

a) The future private access to serve this development shall be aligned with the proposed private access on the east side of Peguis Street, as determined by and to the satisfaction of the Director of Public Works. This will permit the subject development use of a future possible median opening at this location and will reduce safety concerns along Peguis Street. As per the Private Access Bylaw, the Developer shall make application through the Public Works Department for the private approach serving the subject property.

b) The Public Works Department may consider a second private approach to serve this development as a right-in/right-out depending on the site plan.

5) Peguis Street

The Developer shall, pay to the City, in cash, on demand, the costs of the following services to be installed in Peguis Street, by others, along the full length of the subject property abutting Peguis Street:

a) 8.3m in width asphalt pavement and all related works, including but not limited to the relocation of any bus stops and all associated works

b) Street lighting in the west boulevard

c) Landscaping in the west boulevard

d) Asphalt pathway on the west side of Peguis Street

e) Land drainage sewer

all as determined by the Director of Public Works.

6) 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.

7) 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.

8) 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.

9) 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.

10) 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.

11) Administration Fees

The Developer shall, prior to the release of the subdivision mylars for registration in the Land Titles Office, pay to the City, $1650.00 to help defray the City's administration and related costs associated with the preparation and implementation of the Servicing Agreement.

THIS REPORT SUBMITTED BY:

Administrative Co-ordinating Group
File No. DAZ 212/2015
October 13, 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, Transportation Division

GJ/gj