Agenda – Council – September 22, 2022

Report – Standing Policy Committee on Property and Development, Heritage and Downtown Development – September 8, 2022

Item No. 16 Zoning Agreement Amendment – 2695 Main Street (North Kildonan Ward) File ZAA 3/2022

STANDING COMMITTEE RECOMMENDATION:

On September 14, 2022, 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 application for Zoning Agreement Amendment under File ZAA 3/2022 be rejected.

2. That the Proper Officers of the City do all things necessary to implement the intent of the foregoing.

Report – Standing Policy Committee on Property and Development, Heritage and Downtown Development – September 8, 2022

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On September 14, 2022, 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 September 8, 2022, the Standing Policy Committee on Property and Development, Heritage and Downtown Development concurred in the recommendation of the East Kildonan-Transcona Community Committee and submitted the matter to the Executive Policy Committee and Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On August 31, 2022 the East Kildonan-Transcona Community Committee did not concur in the recommendation of the Winnipeg Public Service and recommended to the Standing Policy Committee on Property and Development, Heritage and Downtown Development that the application for Zoning Agreement Amendment under File ZAA 3/2022 be rejected.

PUBLIC HEARING SUMMARY

File: ZAA 3/2022

Before: East Kildonan-Transcona Community Committee
Councillor Nason, Chairperson
Councillor Browaty
Councillor Schreyer

Public Hearing: August 31, 2022
Council Building, 510 Main Street

Applicant: Tapper Cuddy LLP (Timothy Taylor)

Subject:



N

EAST KILDONAN
TRANSCONA
COMMUNITY

APPLICANT : Tapper Cuddy LLP (Timothy N. Taylor)
FILE : ZAA 3/2022
PROPOSAL : To amend the Zoning Agreement DAZ 205/2019, By-law 58/2019, affecting the land shown outlined above by deleting Clause 4. to allow a private approach to be connected to Rivergrove Drive. **For information, phone D. Harris, Planner at 204-986-7211.**

Premises Affected: 2695 Main Street

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

Prepared by: T. Pomanski, Committee Clerk
East Kildonan-Transcona Community Committee

Report date: August 31, 2022

Community Committee Recommendation:

On August 31, 2022, the East Kildonan-Transcona Community Committee did not concur in the recommendation of the Winnipeg Public Service and recommended to the Standing Policy Committee on Property and Development, Heritage and Downtown Development that the application for zoning agreement amendment under File ZAA 3/2022 be rejected.

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

1. In 2019, it was a condition that reconfiguration of Fernbank and Main Street occur and that is yet to happen. That is still even as the applicant suggests Plan A in terms of providing a better access out of the trailer park. As the applicant said they've always referred to Fernbank Main Street Plan A, Rivergrove Drive Plan B. We haven't exhausted Plan A. I apologize this has taken so long to get Plan A through but that will be happening.

Exhibits Filed:

1. Application dated June 10, 2022
2. Notification of Public Hearing dated June 20, 2022
3. Manitoba Status of Title 3148583/1
4. Letter of authorization dated September 3, 2021, from Guido Cerasani, Rivergrove Mobile Home Estates Ltd., to Tapper Cuddy LLP
5. Partial Topographic Survey dated October 7, 2021
6. Caveat 5122985/1
7. Plans (2 pages)
8. Report from the Urban Planning Division dated August 23, 2022
9. Inspection Report
10. Communication dated July 27, 2022, from Valerie Michaud in support of the application
11. Communication dated July 27, 2022, from Carolyn Comstock in support of the application
12. Communication dated July 28, 2022, from Tracey Payton in support of the application
13. Communication dated August 3, 2022, from Stan Stone in support of the application
14. Communication dated August 10, 2022, from Barry Visca in support of the application
15. Communication dated August 10, 2022, from Barbara Visca in support of the application
16. Communication dated August 15, 2022, from Irene Girardin in opposition to the application
17. Communication dated August 15, 2022, from Israel Binnun in support of the application
18. Communication dated August 15, 2022, from Lori Binnun in support of the application
19. Communication dated August 15, 2022, from Yvette Wery in support of the application
20. Communication dated August 15, 2022, from Denis Wery in support of the application
21. Communication dated August 16, 2022, from Kevin Hughes in opposition to the application
22. Communication dated August 17, 2022, from Orysia Zuk in opposition to the application
23. Communication dated August 18, 2022, from Jennifer Karpiak in opposition to the application
24. Communication dated August 18, 2022, from Denis Girardin in opposition to the application
25. Communication dated August 18, 2022, from Ron Schol in support of the application
26. Communication dated August 18, 2022, from Adom Phayouphone in opposition to the application

27. Communication dated August 19, 2022, from Chandra Bolianaz in opposition to the application
28. Communication dated August 20, 2022, from Janet Bauer in support of the application
29. Communication dated August 22, 2022, from Don Cilinsky in opposition to the application
30. Communication dated August 24, 2022, from Terry Lynn Rowan in opposition to the application
31. Communication dated August 24, 2022, from Cindy Tomiuk in support of the application
32. Communication dated August 24, 2022, from Blanche Schol in support of the application
33. Communication dated August 25, 2022, from Richard Bartlett in support of the application
34. Communication dated August 25, 2022, from Brad Wolfe in opposition to the application
35. Communication dated August 25, 2022, from Gordon Tomiuk in support of the application
36. Communication dated August 25, 2022, from Brian Lukie in opposition to the application
37. Communication dated August 25, 2022, from Edward Stocki in opposition to the application
38. Communication dated August 26, 2022, from Amy Cerasani in support of the application
39. Communication dated August 26, 2022, from Ashlyn Sutherland in support of the application
40. Communication dated August 26, 2022, from Melissa Walford in opposition to the application
41. Communication dated August 31, 2022, from John Reda in opposition to the application
42. Communication dated August 26, 2022, from Moira Cole in support of the application
43. Communication dated August 26, 2022, from Sherry Urbanski in support of the application
44. Communication dated August 26, 2022, from Grant Solar in opposition to the application
45. Communication dated August 26, 2022, from Tom Silman in support of the application
46. Communication dated August 26, 2022, from Lisa Rach in support of the application
47. Communication dated August 26, 2022, from Kevin Rach in support of the application
48. Communication dated August 26, 2022, from Monique Fayant in support of the application
49. Communication dated August 26, 2022, from Gage Holhauser in support of the application

50. Communication dated August 26, 2022, from Rylan Rach in support of the application
51. Communication dated August 26, 2022, from Rhonda Youssiem in support of the application
52. Communication dated August 26, 2022, from Chris Lovering in support of the application
53. Communication dated August 26, 2022, from Kristina Koenig in opposition to the application
54. Communication dated August 26, 2022, from Irene Koenig in opposition to the application
55. Communication dated August 26, 2022, from Irene and Karl Koenig in opposition to the application
56. Communication dated August 26, 2022, from Breanne Wynnobel in opposition to the application
57. Communication dated August 26, 2022, from Les Mayor in support of the application
58. Communication dated August 26, 2022, from Pamela Potter in opposition to the application
59. Communication dated August 26, 2022, from Jen Prettie in support of the application
60. Communication dated August 27, 2022, from Dave Martens in support of the application
61. Communication dated August 27, 2022, from Brittany Young in support of the application
62. Communication dated August 27, 2022, from Christy Young in support of the application
63. Communication dated August 27, 2022, from Sokol Hoxha in opposition to the application
64. Communication dated August 27, 2022, from Richard Sloboda in support of the application
65. Communication dated August 27, 2022, from Donna Schirmacher in opposition to the application
66. Communication dated August 27, 2022, from Alfred Schirmacher in opposition to the application
67. Communication dated August 27, 2022, from Rachelle Trudeau in opposition to the application
68. Communication dated August 27, 2022, from Alan Shantz in opposition to the application
69. Communication dated August 27, 2022, from Margaret Reda in opposition to the application
70. Communication dated August 28, 2022, from Juliane Koehn in opposition to the application
71. Communication dated August 28, 2022, from William Hilash in opposition to the application
72. Communication dated August 28, 2022, from Krystyna Lukow in opposition to the application

73. Communication dated August 28, 2022, from Walter Dlugosh in opposition to the application
74. Communication dated August 28, 2022, from Gordon Fredrick in opposition to the application
75. Communication dated August 28, 2022, from Joseph Pfeiffer in support of the application
76. Communication dated August 28, 2022, from Shirley Hemmett in support of the application
77. Communication dated August 28, 2022, from Brent Hemmett in support of the application
78. Communication dated August 28, 2022, from Cathy Jablonowski in opposition to the application
79. Communication dated August 28, 2022, from Doloris Gutknecht in support of the application
80. Communication dated August 28, 2022, from Katrina Wilkie in opposition to the application
81. Communication dated August 28, 2022, from Les Storozuk in opposition to the application
82. Communication dated August 28, 2022, from Hiroko Nameishi in support of the application
83. Communication dated August 28, 2022, from Natalie Storozuk in opposition to the application
84. Communication dated August 28, 2022, from Gary Allarie in opposition to the application
85. Communication dated August 28, 2022, from Richard Jones in support of the application
86. Communication dated August 28, 2022, from Francesca Carbone in support of the application
87. Communication dated August 28, 2022, from Gary Allarie in opposition to the application
88. Communication dated August 28, 2022, from Aiza Luna in opposition to the application
89. Communication dated August 28, 2022, from Ace Prieto in opposition to the application
90. Communication dated August 28, 2022, from Michelle Kuenstler in opposition to the application
91. Communication dated August 28, 2022, from Darcy Zanewich in support of the application
92. Communication dated August 28, 2022, from Dan Kuenstler in opposition to the application
93. Communication dated August 28, 2022, from Suzie Zanewich in support of the application
94. Communication dated August 29, 2022, from Tony Pukalo in opposition to the application
95. Communication dated August 29, 2022, from Al Dueck in opposition to the application

96. Petition in support of the application purporting to contain 125 signatures, submitted by Guido Cerasani
97. Communication dated August 29, 2022, from Bernie and Louise Gowryluk in opposition to the application
98. Communication dated August 29, 2022, from Greg Romaniuk in opposition to the application
99. Petition in support of the application purporting to contain 125 signatures, submitted by Carolyn Comstack
100. Communication dated August 29, 2022, from Joshua Harrison in opposition to the application
101. Communication dated August 29, 2022, from Tim Prevost in support of the application
102. Communication dated August 29, 2022, from Karina Herrera Raposo in opposition to the application
103. Communication dated August 29, 2022, from James P. Martin in support of the application
104. Communication dated August 29, 2022, from Shirley Radawetz in opposition to the application
105. Communication dated August 29, 2022, from Lavina Prevost in support of the application
106. Communication dated August 29, 2022, from Yvette Solar in opposition to the application
107. Communication dated August 29, 2022, from Matthias Sobocan in opposition to the application
108. Communication dated August 29, 2022, from Karen Laliberte in opposition to the application
109. Communication dated August 29, 2022, from Spencer Payton in support of the application
110. Communication dated August 29, 2022, from Miroslav Bukal in opposition to the application
111. Communication dated August 29, 2022, from Lawrence Vermeulen in support of the application
112. Communications dated August 29, 2022, including Rivergrove Drive Report GC August 2022, MORR Traffic Report August 2022, Rivergrove Drive Private Approach, 1992 Rivergrove Future Development Plan, HTFC Rivergrove Approach Drawings, submitted by Guido Cerasani in support of the application
113. Communication dated August 29, 2022, from Anne Marie Bell in opposition to the application
114. Communication dated August 29, 2022, from Kelley Lalor in opposition to the application
115. Communication dated August 29, 2022, from Jo-Anne Ford in opposition to the application
116. Communication dated August 29, 2022, from Darlene Shkolny in opposition to the application

117. Communication dated August 29, 2022, from Gayle Cilinsky in opposition to the application
118. Communication dated August 29, 2022, from Mary Sobocan in opposition to the application
119. Communication dated August 29, 2022, from Gayle Swan in support to the application
120. Communication dated August 29, 2022, from Jennie Pitura in opposition to the application
121. Communication dated August 29, 2022, from Jorge Carcamo and Sonia Collin in support of the application
122. Communication dated August 29, 2022, from Jodi McCallum in opposition to the application
123. Communication dated August 29, 2022, from W Bruce Goodall in support of the application
124. Communication dated August 29, 2022, from Gerald Pronyk in opposition to the application
125. Communication dated August 29, 2022, from Armando Raposo in opposition to the application
126. Communication dated August 29, 2022, from Andrew Reda in opposition to the application
127. Communication dated August 29, 2022, from Donald Helwer in opposition to the application
128. Communication dated August 29, 2022, from Ronald Wiklund in opposition to the application
129. Communication dated August 29, 2022, from Bob Handkamer in opposition to the application
130. Communication dated August 29, 2022, from Nathalie Bruneau in opposition to the application
131. Communication dated August 29, 2022, from Markian McColl in opposition to the application
132. Communication dated August 29, 2022, from Garth Lancaster in opposition to the application
133. Communication dated August 29, 2022, from Donna Lancaster in opposition to the application
134. Communication dated August 29, 2022, from Terence Ryder in opposition to the application
135. Communication dated August 29, 2022, from Yvette Solar in opposition to the application
136. Communication dated August 29, 2022, from Justine Solar in opposition to the application
137. Communication dated August 29, 2022, from Terry Ryder in opposition to the application
138. Communication dated August 29, 2022, from Daniella Castellano in opposition to the application
139. Communication dated August 29, 2022, from David Howell in opposition to the application

140. Communication dated August 29, 2022, from Magda Kubisch in opposition to the application
141. Communication dated August 29, 2022, from Terry Shymko in opposition to the application
142. Communication dated August 29, 2022, from Marlene Clarke in opposition to the application
143. Communication dated August 29, 2022, from Michael Liam Macaluso in opposition to the application
144. Communication dated August 29, 2022, from Martha Borys in opposition to the application
145. Communication dated August 29, 2022, from Maxwell Macaluso in opposition to the application
146. Communication dated August 29, 2022, from Eric Lancaster in opposition to the application
147. Communication dated August 29, 2022, from Rachel Lancaster in opposition to the application
148. Communication dated August 29, 2022, from Chris Lytwyn in opposition to the application
149. Communication dated August 29, 2022, from Andrew Borys in opposition to the application
150. Communication dated August 29, 2022, from James Novak in opposition to the application
151. Communication dated August 29, 2022, from Allen Lytwyn in opposition to the application
152. Communication dated August 29, 2022, from Sophia Novak in opposition to the application
153. Communication dated August 29, 2022, from Irene Lytwyn in opposition to the application
154. Communication dated August 29, 2022, from Tanya Skiba in opposition to the application
155. Communication dated August 29, 2022, from Rica Novak in opposition to the application
156. Communication dated August 29, 2022, from Denis Laliberte in opposition to the application
157. Communication dated August 29, 2022, from Larissa Harrison in opposition to the application
158. Communication dated August 29, 2022, from Andrew Romanovych in opposition to the application
159. Communication dated August 30, 2022, from Tammy Zokvic in opposition to the application
160. Communication dated August 30, 2022, from Brenden Stubler in opposition to the application
161. Communication dated August 30, 2022, from Allyson Vermeulen in support of the application
162. Communication dated August 30, 2022, from Rick Budowski in opposition to the application

163. Communication dated August 30, 2022, from Alvaro Bras in opposition to the application
164. Communication dated August 30, 2022, from Kathy Shymko in opposition to the application
165. Communication dated August 30, 2022, from Anne Koprajda in opposition to the application
166. Communication dated August 30, 2022, from Tamara L Romanovych in opposition to the application
167. Communication dated August 30, 2022, from Ajit Deol in opposition to the application
168. Communication dated August 30, 2022, from Jeffrey Del Buono in opposition to the application
169. Communication dated August 30, 2022, from Anne Ostry in opposition to the application
170. Communication dated August 30, 2022, from Sukhmanpreet Dhillon in opposition to the application
171. Communication dated August 30, 2022, from Norman Babuik in opposition to the application
172. Communication dated August 30, 2022, from Michael Shkolny in opposition to the application
173. Stantec Report August 30, 2022 dated August 30, 2022, submitted by Guido Cerasani in support of the application
174. Communication dated August 30, 2022, from Elena Helwer in opposition to the application
175. Communication dated August 30, 2022, from Anastasiya Balashova in opposition to the application
176. Communication dated August 30, 2022, from Michael Idone in opposition to the application
177. Communication dated August 30, 2022, from Pamela Deol in opposition to the application
178. Communication dated August 30, 2022, from Michael Froese in opposition to the application
179. Communication dated August 30, 2022, from Lawrence Prout in opposition to the application
180. Communication dated August 30, 2022, from Alexander Bukal in opposition to the application
181. Communication dated August 30, 2022, from Jim Loewen in opposition to the application
182. Communication dated August 30, 2022, from Susan McLaughlin in opposition to the application
183. Communication dated August 30, 2022, from Lisa Gardewine in opposition to the application
184. Communication dated August 30, 2022, from William Bonham in opposition to the application
185. Communication dated August 30, 2022, from Tony Duong in opposition to the application

186. Communication dated August 30, 2022, from Eyan Shymko in opposition to the application
187. Communication dated August 30, 2022, from Amanda Shymko in opposition to the application
188. Communication dated August 30, 2022, from Stacy Macaluso in opposition to the application
189. Communication dated August 30, 2022, from Lynn Din in opposition to the application
190. Communication dated August 30, 2022, from Murray Boyko in opposition to the application
191. Communication dated August 30, 2022, from John Edward Reda in opposition to the application
192. Communication dated August 30, 2022, from Joan Bilow-Budowski in opposition to the application
193. Communication dated August 30, 2022, from Bill Johnston in support of the application
194. Communication dated August 30, 2022, from Michael Pinx, on behalf of William Hilash, in opposition to the application
195. Communication dated August 30, 2022, from Lisa Kazmerik in opposition to the application
196. Communication dated August 30, 2022, from Brent Hemmett in support of the application
197. Communication dated August 30, 2022, from Grace Johnston in support of the application
198. Communication dated August 30, 2022, from Casey Johnston in support of the application
199. Communication dated August 31, 2022, from Jennifer Zibresky in support of the application
200. Presentation and Photos dated August 25, 2022, in opposition to the application submitted by Susan Green at the public hearing
201. Presentation dated August 31, 2022, in opposition to the application submitted by Gloria Mendelson at the public hearing
202. Photos in opposition to the application submitted by Zbig Jablonowski at the public hearing
203. Petition in opposition to the application purporting to contain 271 signatures, submitted by Donna Schirmacher at the public hearing

REPRESENTATIONS:

In Support:

Richard Bartlett
Janet Bauer
Israel Binnun
Lori Binnun
Kaitlan Buchko
Francesca Carbone
Jorge Carcamo
Amy Cerasani
Eason Cerasani
Guido Cerasani
Moira Cole
Sonia Collin
Carolyn Comstack
Monique Fayant
W Bruce Goodall
Doloris Gutknecht
Mark Hearson
Brent Hemmett
Shirley Hemmett
Gage Holhauser
Bill Johnston
Casey Johnston
Grace Johnston
Richard Jones
Chris Lovering
Dave Martens
James Martin
Les Mayor
Valerie Michaud
Hiroko Nameishi
Spencer Payton
Tracey Payton
Joseph Pfeiffer
Jen Prettie
Lavina Prevost
Tim Prevost
Lisa Rach
Kevin Rach
Rylan Rach
Blanche Schol
Ron Schol
Tom Silman
Richard Sloboda
Stan Stone
Ashlyn Sutherland
Timothy Taylor
Cindy Tomiuk
Gordon Tomiuk
Sherry Urbanski
Allyson Vermeulen
Lawrence Vermeulen
Barbara Visca
Barry Visca
Denis Wery
Yvette Wery
Brittany Young
Christy Young
Rhonda Youssiem
Darcy Zanewich
Suzie Zanewich
Jennifer Zibresky

In Opposition:

Gary Allarie
Norman Babuik
Anastasiya Balashova
Joan Bilow-Budowski
Chandra Bolianaz
William Bonham
Andrew Borys
Martha Borys
Murray Boyko
Alvaro Bras
Nathalie Bruneau
Rick Budowski
Alexander Bukal
Miroslav Bukal
Daniella Castellano
Don Cilinsky
Gayle Cilinsky
Marlene Clarke
Jeffrey Del Buono
Ajit Deol
Pamela Deol
Sukhmanpreet Dhillon
Lynn Din
Walter Dlugosh
Al Dueck
Tony Duong
Victoria Evans
Susan Finlay
Jo-Anne Ford
George Fraser
Gordon Frederick
Michael Froese
Lisa Gardewine
Denis Girardin
Irene Girardin
Bernie Gowryluk
Louise Gowryluk
Susan Green
Bob Handkamer
Joshua Harrison
Larissa Harrison
Caitlyn Hart
Lesley Hart
Vic Hart
Donald Helwer
Elena Helwer
Karina Herrera Raposo
William Hilash
David Howell
Sokol Hoxha
Kevin Hughes

Michael Idone
Cathy Jablonowski
Zbig Jablonowski
Jennifer Karpiak
Lisa Kazmerik
Juliane Koehn
Irene Koenig
Karl Koenig
Kristina Koenig
Anne Koprajda
Bev Kowal
Magda Kubisch
Dan Kuenstler
Michelle Kuenstler
Denis Laliberte
Karen Laliberte
Kelley Lalor
Donna Lancaster
Eric Lancaster
Garth Lancaster
Rachel Lancaster
Jim Loewen
Chris Lorenc
Brian Lukie
Krystyna Lukow
Aiza Luna
Terry Lynn Rowan
Allen Lytwyn
Chris Lytwyn
Irene Lytwyn
Kros Macaluso
Maxwell Macaluso
Michael Liam Macaluso
Stacy Macaluso
Anne Marie Bell
Jodi McCallum
Markian McColl
Susan McLaughlin
Gloria Mendelson
James Novak
John Novak
Rica Novak
Sophia Novak
Anne Ostry
Adom Phayouphone
Michael Pinx
Jennie Pitura
Pamela Potter
Ace Prieto
Gerald Pronyk
Lawrence Prout
Tony Pukalo
Shirley Radawetz
Armando Raposo
John Reda
Margaret Reda
Andrew Reda
Greg Romaniuk
Andrew Romanovych
Tamara Romanovych
Terry Ryder
Terence Ryder
Alfred Schirmacher
Donna Schirmacher
Alan Shantz
Darlene Shkolny
Michael Shkolny
Amanda Shymko
Eyan Shymko
Kathy Shymko
Terry Shymko
Tanya Skiba
Mary Sobocan
Matthias Sobocan
Grant Solar
Justine Solar
Yvette Solar
Edward Stocki
Les Storozuk
Natalie Storozuk
Brenden Stubler
Gayle Swan
Alexi Thiessen
Rachelle Trudeau
Darlene Walford
Melissa Walford
Jennifer Werhun
Ronald Wiklund
Katrina Wilkie
Brad Wolfe
Breanne Wynnobel
Tammy Zokvic
Orysia Zuk

For Information:

Nil

For the City:

D. Harris, Planner, Planning, Property and Development Department

Exhibit "8" referred to in File ZAA 3/2022

ADMINISTRATIVE REPORT

Title: ZAA 3/22 – 2695 Main St.

Issue: For consideration at the public hearing to amend a Zoning Agreement under File DAZ 205/2019, to delete condition #4 of the Zoning Agreement to DAZ 205/2019 (caveat #5122985/1) which states that no private approach be connected to Rivergrove Drive.

Critical Path: East Kildonan-Transcona Community Committee – Standing Policy Committee on Property and Development, Heritage and Downtown Development – Executive Policy Committee - Council

AUTHORIZATION

Author	Department Head	CFO	CAO
Dylan Harris, RPP, MCIP	N/A	N/A	

RECOMMENDATIONS

1. That the Zoning Agreement Caveat No. 5122985/1 under File DAZ 205/2019, dated July 18, 2019 be amended as follows:

   A. That Clause 4 be deleted which states "that no private approach be connected to Rivergrove Drive."

2. That the Director of Legal Services and City Solicitor be requested to prepare the necessary Amending Agreement to Zoning Agreement DAZ 205/2019 (By-law 58/2019) as approved in aforesaid Recommendation 1.

3. That the Owner of the subject land (the "Owner") enter into the aforementioned Amending Agreement with the City pursuant to subsection 240(1) of The City of Winnipeg Charter.

4. That the Proper Officers of the City are hereby authorized to execute said Amending Agreement.

5. 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

- A Zoning Agreement registered on title at 2695 Main St. states the following:

  "That no private approach be connected to Rivergrove Drive."

- The applicant has applied for a Zoning Agreement Amendment to remove the above condition enabling vehicular access to Rivergrove Dr. from 2695 Mains St.
- Modification of caveats on a Land Title requires a Zoning Agreement Amendment application.
- Approval of a Zoning Agreement Amendment application requires a public hearing as per the Development Procedures By-law and The City of Winnipeg Charter.
- The Report is being submitted for the Committee's consideration of the development application at the public hearing.

IMPLICATIONS OF THE RECOMMENDATIONS

- If the recommendations of the Public Service are concurred in, the subject Zoning Agreement will be **amended** and the caveat will be **modified**.

HISTORY

- On July 18, 2019 a Zoning Agreement came into effect as part of a Council-adopted rezoning of the property at 2695 Main Street, as established through rezoning application DAZ 205/2019.
- Prior to approval of DAZ 205/2019, the subject property was split zoned "RMH" Residential Mobile Home Park district and "R1-E" Residential Single-Family Estate district.
- The applicant wished to accommodate an additional 81 mobile homes on their property as part of their existing mobile home park use.
- The majority of the property at 2695 Main St. was already zoned "RMH" Residential Mobile Home Park.
- A portion at the eastern end of the property, adjacent to the Red River was zoned "R1-E" Residential Single-Family Estate district.
- The applicant's proposal sought to locate 17 mobile homes on the lands zoned "R1-E."
- Mobile home uses cannot be accommodated on land zoned "R1-E." As a result, a rezoning application (DAZ 205/2019) was applied for to rezone the entire property at 2695 Main St. into the "RMH" district.
- The East Kildonan-Transcona Community Committee approved DAZ 205/2019 as amended.
- Amendments to the Public Service recommendation included imposition of the following requirements:
  - Installation of additional landscaping / fencing / buffering along property lines.

- A requirement for traffic signal requirements at the Fernbank and Main St. intersection.
- Granting the City an easement for land along the Red River.
- Prohibition of a private approach along the southern property line that would enable connection to Rivergrove Dr.

- The subject rezoning application (DAZ 205/2019) was approved as modified by Council on July 18, 2019.

CONSULTATION

In preparing this report there was consultation with:

N/A

OUR WINNIPEG POLICY ALIGNMENT

See *OurWinnipeg 2045 policy analysis on page 7 on this report.*

WINNIPEG CLIMATE ACTION PLAN ALIGNMENT

***Strategic opportunity 4**: Facilitate Compact, Complete Development and Increase Density*

***4.1** Increase Strategic Infill Development that Provides Access to and Capitalizes on Existing and Planned Corridors with Frequent Transit Service*

***4.2** Ensure New Areas of Growth are designed According to the Principles of Complete Communities*

SUBMITTED BY

Department	Planning, Property and Development
Division	Urban Planning
Prepared by:	Dylan Harris, RPP, MCIP
Date:	August 23, 2022
File No.	ZAA 3/2022

List of Schedules and Attachments

1. Appendix A – Planning Discussion

APPENDIX 'A'

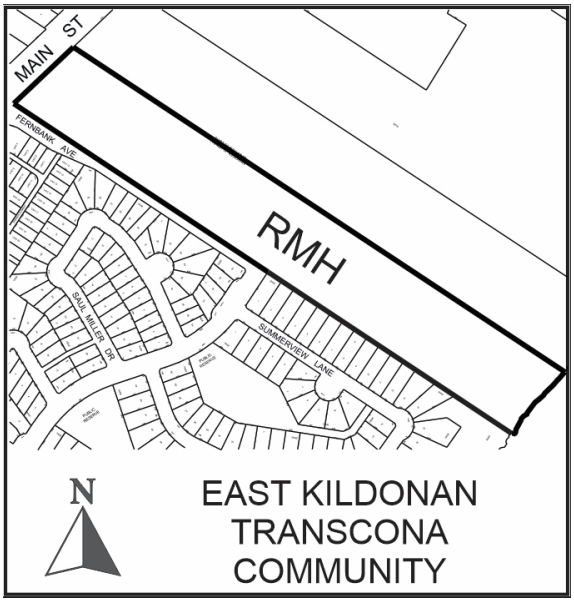
DATE: August 5, 2022

FILE: **ZAA 3/2022**
RELATED FILES:
COMMUNITY: East Kildonan-Transcona
NEIGHBOURHOOD #: 4.322 Rivergrove

SUBJECT: For consideration at the Public Hearing to amend a Zoning Agreement under File DAZ 205/2019, to delete condition #4 of the Zoning Agreement to DAZ 205/2019 (caveat #5122985/1) which states that no public approach be connected to Rivergrove Drive.

LOCATION: 2695 Main St.

LEGAL DESCRIPTION: ALL THAT PORTION OF S ½ OF RL 35 PARISH OF KILDONAN WHICH LIES TO THE EAST OF THE EASTERN LIMIT OF MAIN HIGHWAY PLAN 545 WLTO



APPLICANT: Tapper Cuddy LLP-Timothy Taylor / Kaitlan N Buchko
1000-330 St. Mary Avenue
Winnipeg, Manitoba R3C 3Z5

OWNER: Rivergrove Mobile Home Estates Ltd. c/o Guido Cerasani
2731 Main St.
Winnipeg, Manitoba R2V 3Z5

RECOMMENDATION: **Approval**

SITE DESCRIPTION

- The subject site is located on the north east corner of Main St, north of the Fernbank right of way, in the Rivergrove neighbourhood of the East Kildonan-Transcona ward.
- The eastern boundary of the subject property abuts the Red River.
- The subject property is currently zoned “RMH” Residential Mobile Home Park District and is 797 584 sq. ft. (18.3 acres) in area.
- Once fully developed, the subject site will contain approximately 81 mobile homes.
- The subject property is currently accessed from an approach on Main St.



Figure 1: Aerial Photo of Subject Site and Surrounding Uses (flown 2021)

SURROUNDING LAND USE AND ZONING (See Figure 2)

North: A golf course and outdoor amusement use zoned “PR2” Parks and Recreation Community district.

South: The Fernbank Ave. right of way and single family residential uses zoned “R1-M” Residential Single-Family Medium district.

East: The Red River then a mix of public reserve land, multi-family residential and single family residential uses zoned “PR-1” Parks and Recreation Neighbourhood district, “RMF-M” Residential Multi-family Medium district, “RMF-S” Residential Multi-Family Small District and “R1-E” Residential Single-Family Estate district.

West: Main St. then a place of worship and single family residential uses zoned “R1-M” Residential Single Family Medium district.



Figure 2: Zoning of the Site and Surrounding Area

DESCRIPTION OF THE PROPOSED DEVELOPMENT

- As enabled through a previously approved rezoning application (DAZ 205/2019) the applicant is continuing to develop the vacant portion of their mobile home park.
- At the time of rezoning, the applicant indicated their intention was to construct 81 additional mobile homes on the property at 2695 Main St.
- As a condition of DAZ 205/ 2019, the applicant was required to enter into a zoning agreement that imposed the following restriction:

  "4. That no private approach be connected to Rivergrove Drive."

- The applicant wishes to amend the subject zoning agreement to remove condition four (4) in the zoning agreement to enable the applicant to access their property from Rivergrove Drive.
- The applicant will then install the following:
  - A conforming private approach connecting Rivergrove Dr. to 2695 Main St.
  - A decorative gate / entry feature at the southern property boundary.
  - An asphalt road extension from Rivergrove Dr. into the subject property
  - A sidewalk extension from Rivergrove Dr. into the subject property.

ANALYSIS AND ISSUES

Our Winnipeg 2045 Development Plan:

City Building

> **6.2 Complete Communities Characteristics:** *The characteristics of complete communities must be identified and defined in Complete Communities, and will include, at minimum, equitable access to: safety and security, affordable housing for all incomes, local employment opportunities, health supportive amenities, access to nature, social interaction opportunities, sustainable transportation options, and digital communication technology infrastructure to align with this Plan's goals.*

OurWinnipeg 2045 policy commits to providing a range of affordable, safe and secure housing options, that are well served by amenity and transportation systems, in all neighbourhoods. The proposed Zoning Agreement Amendment (ZAA) will enable the property at 2695 Main St. to gain access to an existing collector road, enabling safe and efficient access to commercial amenities on Red River Blvd. The amendment would also enable the establishment of a sidewalk connection to the existing pedestrian network on Rivergrove Dr, significantly improving pedestrian amenity for residents at 2695 Main St.

> **6.16 Established Neighbourhoods:** *Designate Established Neighbourhoods within the Urban Structure, representing lands that will accommodate additional growth in a context-sensitive manner, while promoting the efficient use of land, cost-effective municipal servicing, enhanced housing choice and affordability and conservation of green infrastructure and heritage resources and districts as defined in Complete Communities.*

The proposed ZAA will enable the efficient connection to an existing collector road and pedestrian network on Rivergrove Dr. This connection will enable safe and efficient access to existing public infrastructure that can support previously approved development at 2695 Main St.

> **6.39 Affordable and Supportive Housing Options***: Facilitate affordable and supportive housing in all neighbourhoods through a continuum of private and non-profit housing development that includes a mix of sizes, forms and tenures; resilient, low-carbon and energy-efficient construction; adaptable, universal design accessibility; and proximity to integrated and, sustainable transportation options.*

The proposed ZAA will provide improved vehicular and pedestrian access to 2695 Main St., thereby further supporting an affordable form of housing in this neighbourhood, as directed by *OurWinnipeg 2045* policy.

Complete Communities 2.0 An OurWinnipeg Direction Strategy

D1: Established Neighbourhoods

> *3.1 Encourage a variety of housing types and tenures within Established Neighbourhoods to meet life-cycle housing needs an affordability ranges.*
>
> *3.3 Increase the supply of affordable housing within Established Neighbourhoods in proximity to commercial amenities, recreational opportunities and frequent transit service.*

The proposed ZAA supports the continuation and further development of an affordable housing typology at 2695 Main St. by providing improved pedestrian and vehicular access to the existing street system and pedestrian network on Rivergrove Dr. The requested approach will provide improved access to nearby commercial amenities on Red River Blvd.

> *8.1 Protect, maintain and expand the pedestrian network within Established Neighbourhoods to create a more comfortable and accessible pedestrian environment.*
>
> *8.5 All developments should provide a private pedestrian pathway that connects to a public sidewalk or multi-use pathway where present.*

The proposed ZAA would enable the establishment of a direct pedestrian connection from 2695 Main St. to the existing public sidewalk on Rivergrove, resulting in a more comfortable and accessible pedestrian environment.

G1: Mobility

> *2.1 Strategically develop accessible, well connected networks of walking and cycling facilities, supporting the concept of complete communities as directed by the Pedestrian and Cycling Strategies.*
>
> *2.2 Provide opportunities to access multiple modes of transportation to people of all ages and abilities to improve quality of life, economic vitality and system efficiency.*
>
> *6.3 Ensure that new development incorporates pedestrian and cycling connections to both existing and planned pedestrian and cycling networks.*

Approval of the proposed ZAA and installation of a private approach to Rivergrove Drive will enable formal connection to the public street and sidewalk network, improving pedestrian and vehicular access to the subject property as directed by *Complete Communities* policy.

Zoning Agreement established through DAZ 205/2019

- As indicated above under “history”, a Zoning Agreement established as a condition of approval associated with a rezoning application (DAZ 205/2019) in June of 2019.

- The Zoning Agreement imposes the following key requirements.

    2. The owner must construct a fence and landscape buffer between along the southern lot line of 2695 Main St. to buffer this use from adjacent residential dwellings

    3. Plan Approval by the East Kildonan-Transcona Community Committee is required prior to issuance of any building or development permit.

    4. That no private approach be connected to Rivergrove Drive.

    5. The owner must provide a public access easement along the riverbank, frontage, form the south property boundary to the north property boundary for the purpose of constructing a public walkway, as approved by Public Works.

- Additional obligations requiring upgrading of the intersection at Fernbank Ave. have been imposed through a servicing agreement. For more information, please see “additional considerations” below.

- This request for Zoning Agreement Amendment does **not seek to modify or remove any other requirements** established through previous Zoning Agreements or Servicing Agreements as part of DASZ 205/2019.

Removal of Clause 4:

- The applicant has applied for amendment to **remove** the following clause form the subject Zoning Agreement:

    4. *“That no private approach be connected to Rivergrove Drive.”*

ANALYSIS:

- Restricting access from 2695 Main St. to Rivergrove Dr. was not a recommendation of the Public Service as part of the previous rezoning application in June of 2019 (DASZ 205/2019).
- Rivergrove Dr. is an existing collector road that was designed to accommodate north / south vehicular movement in the area, with capacity to accommodate future development to the north.
- Access to Rivergrove Dr. would enable a more direct route from the subject site to commercial areas on Red River Dr.
- Enabling a connection to Rivergrove Dr. would improve vehicular and pedestrian access to residents of the mobile home park at 2695 Main St.
- The Public Works department has provided the following analysis which further supports establishment of an approach at 2695 Main St. to Rivergrove Dr:
    - Rivergrove Drive is classified a residential minor collector street.
    - The primary function of residential collector streets is to collect and distribute traffic between local residential streets and arterial streets.
    - The secondary function of these streets is to provide land access in residential areas.
    - Typical traffic volumes on these streets are up to approximately 5,000 vehicles per day.
    - A traffic study conducted on Rivergrove Drive between Sandalwood Crescent and Saul Miller Drive revealed that Rivergrove Drive is carrying approximately 1,370 vehicles per day, which is well below the expected daily traffic volumes.
    - It should also be noted that a private approach to Rivergrove Drive serving 2695 Main Street would be considered conforming.
- Based on these considerations, the Public Service is **supportive** of the proposed Zoning Agreement Amendment.

Additional Considerations

Servicing Agreement

- **As part of a previous rezoning application (DAZ 205/2019) the applicant was required to enter into a servicing agreement with the City.**
- **This servicing agreement required the following:**

    "The Developer shall, at no expense to the City relocate the existing approaches servicing the property at Main Street to align with the existing Fernbank Avenue west of Main Street. The works shall include the modification and addition of traffic signals servicing the intersection of Main Street and Fernbank Avenue."

- **The obligation for the applicant to undertake improvements at Main St. and Fernbank Ave. remain in effect.**
- **The owner of 2695 Main St. has provided a security (deposit) to the City, as an initial contribution towards the required intersection improvements.**

- **Intersection improvement has in part been delayed by the City as both Transit and Water and Waste identified a potential need for portions of the Fernbank right of way.**
- **It is the Urban Planning Division's understanding the Public Service and property owner are working towards a design solution for the intersection improvements at Fernbank Ave. and Main St.**

Plan Approval

- **Any future development at 2695 Main St. is subject to Plan Approval by the East Kildonan-Transcona Community Committee.**
- **In the event the request for Zoning Agreement Amendment is approved, any resulting site design changes will undergo review by the East Kildonan-Transcona Community Committee prior to issuance of building or development permit.**
- **The Plan Approval process will enable the Public Service to ensure any proposed pedestrian pathways, landscaping requirements, entry features or fencing are correctly illustrated prior to issuance of permits.**
- **Any instance of non-compliance with Plan Approval requirements or other associated conditions of approval in the established Zoning Agreement are subject to by-law enforcement.**

RECOMMENDATION

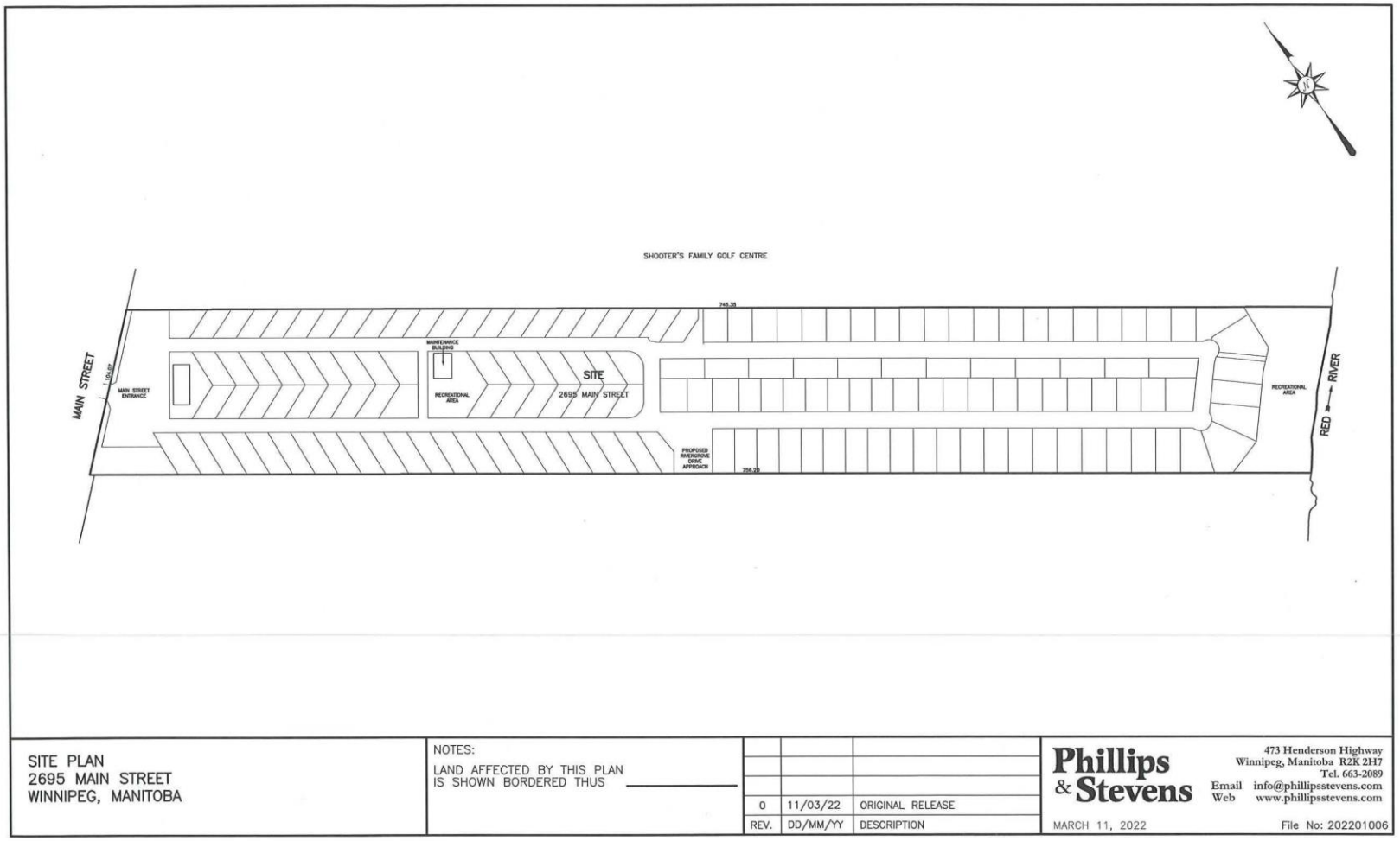
The Public Service recommends **approval** for the following reasons:

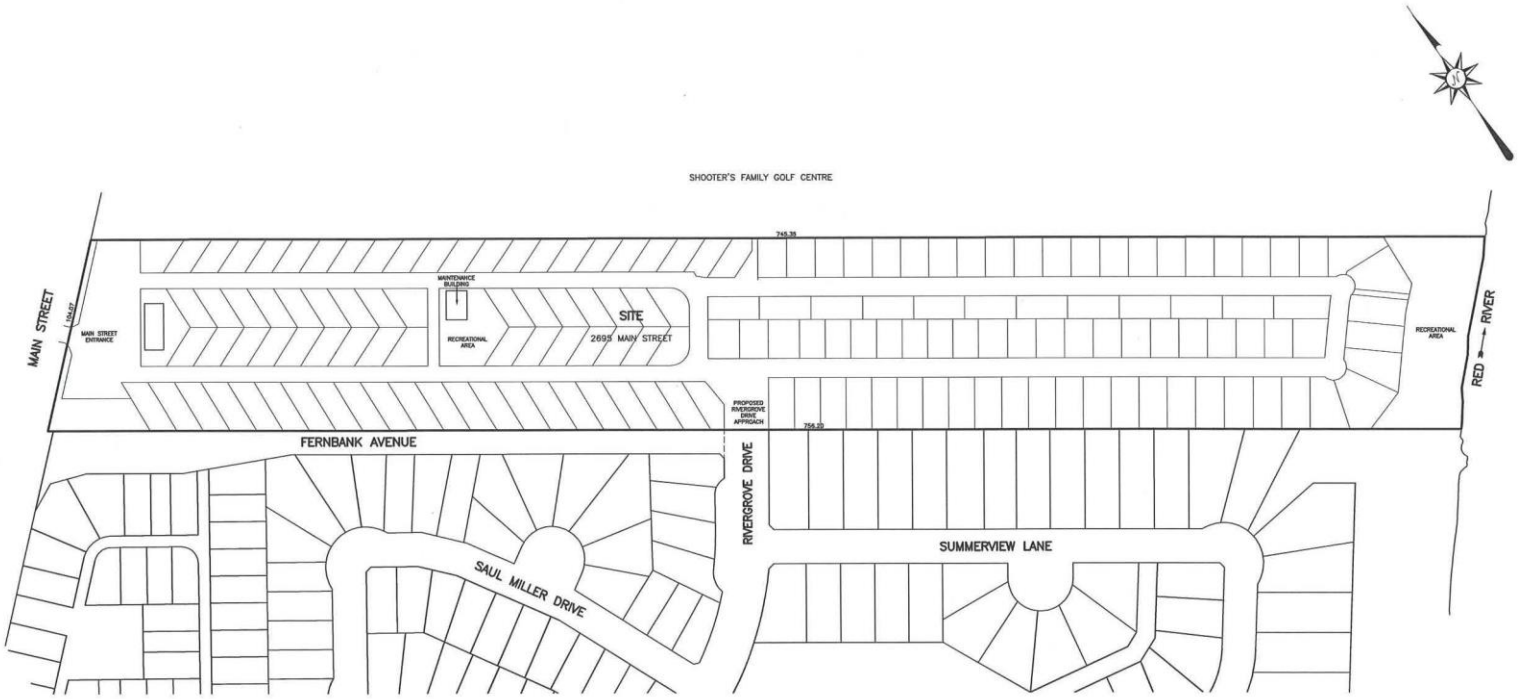
- The proposed amendment will provide improved vehicular and pedestrian access for residents of 2695 Main St. in a manner consistent with *Complete Communities 2.0* policy.
- This improved access further supports the continuation of an affordable housing typology in the mobile home park at 2695 Main St.
- There is clear policy support for provision of a diversity of housing types, including affordable housing options in all neighbourhoods as outlined in *OurWinnipeg 2045.*
- The Public Works Department has indicated Rivergrove Dr. is an established collector street with capacity to accommodate traffic from the use at 2695 Main St.
- The Public Works Department has indicated the proposed approach design is conforming and will meet departmental standards.

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

Report Prepared By: D. Harris, RPP, MCIP
PPD File # ZAA 3/2022

Exhibit “7” referred to in File ZAA 3/2022





SITE PLAN
2695 MAIN STREET
WINNIPEG, MANITOBA

NOTES:
LAND AFFECTED BY THIS PLAN IS SHOWN BORDERED THUS _____

REV.	DD/MM/YY	DESCRIPTION
0	11/03/22	ORIGINAL RELEASE

Phillips & Stevens
473 Henderson Highway
Winnipeg, Manitoba R2K 2H7
Tel. 663-2089
Email info@phillipsstevens.com
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MARCH 11, 2022

File No: 202201006