Agenda - Council - November 24, 2004

Report - Standing Policy Committee on Property and Development - November 2, 2004

Item No. 4 Rezoning - 1111 Dakota Street
File DAZ 228/2004

STANDING COMMITTEE RECOMMENDATION:

On November 17, 2004, the Executive Policy Committee concurred in the recommendations of the Standing Policy Committee on Property and Development and the Riel Community Committee, as amended, and submits the following to Council:

1. That The Winnipeg Zoning By-law No. 6400/94 be amended by rezoning the subject land as shown on Schedule "A" for File DAZ 228/2004 dated September 14, 2004, to an "RM-3" Multiple Family District, subject to the following:

    A. That the recommendation contained in the report of the Administrative Coordinating Group dated August 31, 2004, requiring the applicant to amend the proposed plan by providing and legally opening, at no expense to the City, property required for a standard residential cul-de-sac turnaround at the westerly terminus of Harlesden Drive, be deleted.

    B. That the Developer be required to enter into a Servicing Agreement with the City containing all the conditions outlined in the report of the Administrative Coordinating Group dated August 31, 2004, with the following amendment:

        i. Delete Recommendation 1 in its entirety.

    C. That the applicant enter into a zoning agreement with the City of Winnipeg, pursuant to Subsection 240(1) of The City of Winnipeg Charter, to provide for the following:

        i. That plans shall be submitted showing the location and design of any new proposed buildings, the location and design of accessory parking areas, private approaches, exterior lighting, garbage enclosures, fencing, and details of extensive landscaping to the Riel Community Committee for Plan Approval prior to the issuance of any building or development permits.

        ii. That there be no vehicular or pedestrian access permitted to the site via either Harlesden Drive or Greenford Avenue.

Report - Standing Policy Committee on Property and Development - November 2, 2004

iii. That a minimum seventy (70) foot separation space be maintained between the proposed new structure and the north, east and south property lines of the site.

iv. That the maximum density in the proposed building be limited to one hundred and seventy-four (174) units.

2. That Caveat No. 1312187 be withdrawn as it affects Lot 4, Block 1, Plan 25373.

3. That in the event the application is not proceeded with expeditiously and the by-law is not enacted within twenty-four (24) months after adoption of the report by Council, the matter shall be deemed to be concluded and shall not be proceeded with unless an extension of time is applied for prior to the expiry of this twenty-four (24) month period and the extension is subsequently approved by Council.

4. That the City Solicitor/Manager of Legal Services be requested to prepare the necessary rezoning by-law and forward same to Council for all three readings.

5. That the rezoning by-law shall come into effect when the Zoning Agreement has been registered by caveat against the subject land at the Winnipeg Land Titles Office, provided that the said effective date occurs within twenty-four (24) months from the date that the said rezoning by-law is adopted by Council.

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

7. That the City Solicitor/Manager of Legal Services 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 - November 2, 2004

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On November 17, 2004, the Executive Policy Committee concurred in the recommendations of the Standing Policy Committee on Property and Development and the Riel Community Committee, as amended, and submitted the matter to Council.

STANDING COMMITTEE RECOMMENDATION:

On November 2, 2004, the Standing Policy Committee on Property and Development concurred in the recommendation of the Riel Community Committee, with the following amendment, namely:

- Recommendation 5
  Delete the words "as a first charge" in the second line,

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

COMMUNITY COMMITTEE RECOMMENDATION:

On October 18, 2004, the Riel Community Committee concurred in the administrative recommendation with the following amendments:

Report of the Manager of Planning and Land Use
That the report of the Manager of Planning and Land Use dated September 14, 2004, be amended by adding the following Recommendation:

- 1.C.iv. That the maximum density in the proposed building be limited to one hundred and seventy-four (174) units.

Report of the Administrative Coordinating Group
That the report of the Administrative Coordinating Group dated August 31, 2004, be amended as follows:

Report - Standing Policy Committee on Property and Development - November 2, 2004

DECISION MAKING HISTORY (continued):

- That the requirement for the applicant to amend the proposed plan by providing and legally opening, at no expense to the City, property required for a standard residential cul-de-sac turnaround at the westerly terminus of Harlesden Drive, be deleted.

- That Recommendation 1 be deleted in its entirety.

and submitted its recommendation to the Standing Policy Committee on Property and Development.

RE: **Rezoning - 1111 Dakota Street**
File DAZ 228/2004

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

Prepared by: **Marc Pittet, Clerk,**
Riel Community Committee

Report date: **October 20, 2004**

COMMUNITY COMMITTEE RECOMMENDATION:

On October 18, 2004, the Riel Community Committee concurred in the administrative recommendation and recommends to the Standing Policy Committee on Property and Development:

1. That The Winnipeg Zoning By-law 6400/94 be amended by rezoning the subject land as shown on Schedule "A" for File DAZ 228/2004 dated September 14, 2004, to an "RM-3" Multiple Family District, subject to the following:

    A. That the recommendation contained in the report of the Administrative Coordinating Group dated August 31, 2004, requiring the applicant to amend the proposed plan by providing and legally opening, at no expense to the City, property required for a standard residential cul-de-sac turnaround at the westerly terminus of Harlesden Drive, be deleted.

    B. That the Developer be required to enter into a Servicing Agreement with the City containing all the conditions outlined in the report of the Administrative Coordinating Group dated August 31, 2004, with the following amendment:

        i. Delete Recommendation 1 in its entirety.

    C. That the applicant enter into a zoning agreement with the City of Winnipeg, pursuant to Subsection 240(1) of The City of Winnipeg Charter, to provide for the following:

        i. That plans shall be submitted showing the location and design of any new proposed buildings, the location and design of accessory parking areas, private approaches, exterior lighting, garbage enclosures, fencing, and details of extensive landscaping to the Riel Community Committee for Plan Approval prior to the issuance of any building or development permits.

ii. That there be no vehicular or pedestrian access permitted to the site via either Harlesden Drive or Greenford Avenue.

iii. That a minimum seventy (70) foot separation space be maintained between the proposed new structure and the north, east and south property lines of the site.

iv. That the maximum density in the proposed building be limited to one hundred and seventy-four (174) units.

2. That Caveat No. 1312187 be withdrawn as it affects Lot 4, Block 1, Plan 25373.

3. That in the event the application is not proceeded with expeditiously and the by-law is not enacted within twenty-four (24) months after adoption of the report by Council, the matter shall be deemed to be concluded and shall not be proceeded with unless an extension of time is applied for prior to the expiry of this twenty-four (24) month period and the extension is subsequently approved by Council.

4. That the City Solicitor/Manager of Legal Services be requested to prepare the necessary rezoning by-law and forward same to Council for all three readings.

5. That the rezoning by-law shall come into effect when the Zoning Agreement has been registered by caveat as a first charge against the subject land at the Winnipeg Land Titles Office, provided that the said effective date occurs within twenty-four (24) months from the date that the said rezoning by-law is adopted by Council.

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

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

The Riel Community Committee provided the following supporting reason for its recommendation:

1. The Riel Community Committee agreed with the administrative comments contained in the report from the Manager of Planning and Land Use dated September 14, 2004 and in the report from the Administrative Coordinating Group dated August 31, 2004.

PUBLIC HEARING SUMMARY

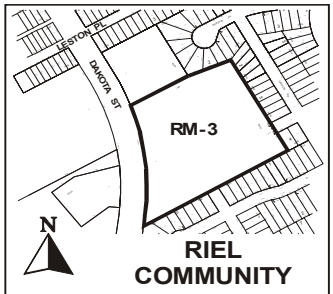
File: DAZ 228/2004

Before: Riel Community Committee
Councillor Steeves, Chairperson
Councillor Magnifico

Public Hearing: October 18, 2004
St. Norbert Community Centre, 3450 Pembina Highway
September 21, 2004
Community Committee Chamber, 604 St. Mary's Road

Applicant: Georgian Bay Developments

Subject:



APPLICANT: GEORGIAN BAY DEVELOPMENTS
FILE: DAZ 228/04
PROPOSAL: To rezone the land shown outlined above from an "A-5" AGRICULTURAL DISTRICT to an "RM-3" MULTIPLE-FAMILY DISTRICT and to withdraw the existing zoning agreement affecting the subject lands. **For information, phone Mr. K. Lalor, Planner at 986-5069.**
DEMANDEUR : GEORGIAN BAY DEVELOPMENTS
N° DE DOSSIER : DAZ 228/04
PROJET : Projet de rezonage des sols délinées ci-dessus de sorte qu'ils passent de la catégorie A-5 (SECTEUR AGRICOLE) à la catégorie RM-3 (SECTEUR MULTIFAMILIAL) et d'abrogation de la convention de zonage existante visant les sols en question. **Pour plus de renseignements, veuillez communiquer avec M. K. Lalor, urbaniste, au 986-5069.**

Premises Affected: Land immediately south and adjacent to 1111 Dakota Street

Exhibits Filed:

1. Application dated May 12, 2004
2. Notification of Public Hearing dated June 9, 2004
3. Manitoba Status of Title 1974023
4. Letter of Authorization dated April 26, 2004, to Georgian Bay Developments, Inc., from Peter Harding Dahm
5. Plans (7 pages)
6. Report from the Administrative Coordinating Group dated August 31, 2004
7. Report from the Manager of Planning and Land Use dated September 14, 2004
8. Inspection Report
9. Communication dated May 20, 2004 from Valerie Price in opposition to the application
10. Communication undated from Jeff and Betty Dixon in opposition to the application
11. Communication dated May 18, 2004, from Rene Rajotte in opposition to the application
12. Communication dated July 11, 2003, from Duane and Debbie Hilton in opposition to the application
13. Communication dated July 7, 2004, from Jeff and Sharon Jenkins in opposition to the application
14. Communication dated May 19, 2004, from Mr. and Mrs. Stefanyshyn in opposition to the application
15. Communication dated May 25, 2004 from J. Norm Picklyk and Brenda Tesch in opposition to the application
16. Communication dated May 19, 2004, from Steve Perkins in opposition to the application
17. Communication dated May 16, 2004, from Suzanne Souloudre in opposition to the application
18. Communication dated May 18, 2004, from Richard Baughman in opposition to the application
19. Communication dated May 19, 2004, from P. S. Astbury in opposition to the application
20. Communication dated May 26, 2004, from J. Burr in opposition to the application
21. Communication undated from Cheryl M. Williams with respect to the application
22. Communication dated May 25, 2004 from Patricia and Kai Moeller in opposition to the application
23. Communication dated May 18, 2004, from Lindsay Kozak with respect to the application
24. Communication dated May 26, 2004, from Dan Stratton in opposition to the application
25. Communication dated May 25, 2004, from Espen Elvebo and Nicole Wilton with respect to the application

26. Communication undated from D. M. McCrie with respect to the application
27. Communication undated from Jaqueline and Don Seguin with respect to the application
28. Communication undated from the residents of 34 Lambeth with respect to the application
29. Communication dated July 7, 2003, from Gerald Korman with respect to the application
30. Communication undated from Don Perry in opposition to the application
31. Communication dated July 10, 2004 from Mel and Lorette Brown with respect to the application
32. Communication dated July 8, 2004, from Richard and Pauline Derrett with respect to the application
33. Communication undated from Merle and Lorna Kroeker with respect to the application
34. Presentation made by Jeff Jenkins at the Public Hearing held on September 21, 2004

REPRESENTATIONS:

In Support:

Virginia Andrew
Rosa Lety Chicas
Peter H. Dahm
Jeff and Betty Dixon
Joy and I. Gerald Gevers
Duane and Debbie Hilton
George Janzen
Jeff and Sharon Jenkins
Tanis McRae
Ross McGowan
Patricia and Kai Moeller
Peter Redekopp
Suzanne Souloudre
R. Van Hull
Ray Wan
Eileen Wilson

In Opposition

P. S. Astbury
Richard Baughman
J. Burr
Sheila and Brad Cooper
Paul Dyment
Brian Nelson
Steve Perkins
Don Perry
J. Norm Picklyk and Brenda Tesch
Valerie Price
Rene Rajotte
Jacqueline and Don Seguin
Emily and Michael Stefanyshyn
Dan Stratton

For Information:

John Bagrie
Mel and Lorette Brown
Richard and Pauline Derrett
Gail Kerr
Gerald Korman
Lindsay Kozak
Merle and Lorna Kroeker
D. M. McCrie
Cheryl M. Williams
Espen Elvebo and Nicole Wilton
Agnes Wong

For the City:

Kevin Lalor, Senior Planner, Planning, Property and Development Department
Michael Robinson, Planner, Planning, Property and Development Department

SUMMARIZATION OF REPRESENTATIONS AND SUBMISSIONS
MADE AT THE PUBLIC HEARING

October 18, 2004
The applicant, Peter Dahm, accompanied by Ray Wan and Ross McGowan, appeared in support of the application. Mr. Dahm stated that a meeting between the applicants, area residents and Kevin Lalor, Senior Planner, Planning, Property and Development Department was held at the Dakota Community Centre. Mr. Dahm further stated that, at said meeting, an agreement was reached and that he was supportive of amending the plans for the proposed development accordingly.

Ross McGowan provided an overview of the proposed changes, as follows:

- The setbacks (from the fence line of the existing homeowners) will range from eighty-six (86) feet to one hundred and twenty (120) feet;
- The developer will install a six (6) foot commercial grade fence;
- The proposed playground will be eliminated;
- The proposed pathway around the development will be eliminated;
- The developer will consult with area residents on landscaping details, in particular with respect to the placement of trees;
- Final plans for the site will be submitted to and approved by the Riel Community Committee;
- The height of the building closest to area residents will be limited to approximately twenty-eight (28) feet;
- Access via Harlesden Drive and Greenford Avenue will be blocked by a fence and the requirement for a cul-de-sac requested by the Planning, Property and Development Department at the westerly terminus of Harlesden will be removed;
- An additional twenty (20) parking spots will be added;
- Lighting of the development will be non-intrusive and installed at a low level;

Jeff Jenkins appeared in support of the application. Mr. Jenkins stated that he had helped coordinate the effort that resulted in an agreeable proposal for everyone involved. Mr. Jenkins further stated that the majority of the concerns of area residents have been addressed and that the revised site plan is one that he is comfortable with.

Trish Moeller appeared in support of the application. Ms. Moeller echoed the position of Jeff Jenkins and thanked the Councillors of the Riel Community Committee, the applicants, the administration and area residents for their efforts in arriving at an equitable agreement.

Emily Stefanyshyn appeared in opposition to the application. Ms. Stefanyshyn stated concern with the location of the four (4) storey portion of the proposed complex located closest to Marinus Place. Ms. Stefanyshyn asked the following questions:

- What kind of trees will be planted and where will they be located?
- How mature will the trees be?
- Where will air conditioners for the complex be located?

Peter Dahm, accompanied by Ray Wan and Ross McGowan, returned in rebuttal. Mr. Dahm stated that the fence will be a six (6) foot commercial grade wood fence. Ray Wan stated that the air conditioners would be located on the roof of the complex, inside the parapet wall so they will not be seen, and the exhaust will be dispersed straight up. Mr. Dahm stated that the planting plan for the development was in the possession of the Senior Planner and is the one agreed upon at the public meeting with area residents. Mr. Dahm further stated that the pine trees for the site will be six (6) to eight (8) feet in height.

The Senior Planner stated he would be proposing amendments to the recommendation contained in the report of the Manager of Planning and Land Use including a condition limiting the density of the development to one hundred and seventy-four (174) units.

September 21, 2004
The applicant, Peter Dahm, accompanied by Ray Wan and Ross McGowan, appeared in support of the application. Mr. Dahm stated that they, the applicants, had hosted a public consultation for area residents the previous week. Mr. Dahm further stated that the housing created by this development would only address approximately two percent (2%) of the need for senior's housing in the City of Winnipeg.

Ray Wan provided an overview of the application. Mr. Wan explained they had delayed the application by three (3) months in order to meet with area residents and that plans for the development were amended after said meeting. Mr. Wan also provided the following information:

- Project is an infill assisted care seniors housing complex;
- Average age of residents will be approximately seventy-five (75) years of age;
- Plans provide for more than the required number of parking spots and few of the residents will drive or own vehicles;
- The project fronts onto Dakota Street and will not rely on any other existing street for access;
- The project will be developed and operated by Georgian Bay Developments Inc. who successfully operate Kingsford House in Winnipeg;
- The development will enable St. Vital seniors to remain in the area;
- Winnipeg's tax base will expand as each unit will contribute approximately two thousand dollars ($2,000.00) annually in taxes;
- The building has been rotated as far away from area residents as possible and the setback increases as you move along the building;
- The wings of the building nearest area residents will be only two (2) storeys in height and will not be as high as a typical two (2) storey home:
- The only portion of the complex that is four storeys is located along Dakota Street and will not be intrusive to area residents;
- Housing value in the area will not decrease as a similar project was developed in Lindenwoods and property values of adjacent homes, where the complex is located much closer to residential lots, were not adversely affected;
- Balconies are indented and not projected, providing area residents will additional privacy.

Ross McGowan explained the proposed landscaping for the site. Mr. McGowan indicated that the building would only take up approximately ten percent (10%) of the surface area of the site, allowing for extensive landscaping and buffering. Mr. McGowan stated that the applicant would be willing to meet with neighbours who reside adjacent to the development to discuss tree placement and details of the plan. Mr. McGowan also stated that a gazebo and pathway around the development would likely be established. Mr. Gowan further stated that said pathway would not be accessible to area residents as said residents as per their request.

Eileen Wilson appeared in support of the application. Ms. Wilson indicated that she has lived in the St. Vital area and has helped build the community for over seventy-five (75) years. Ms. Wilson stated that she is at the age where she has been investigating moving into a complex like the one being proposed. Ms. Wilson further stated that St. Vital is in need of developments like this and that she did not want to have move out of the area having reached her golden years. Virginia Andrew appeared in support of the application. Ms. Andrew stated that she has lived in St. Vital for over forty (40) years and explained that the subject property would be ideal for seniors housing due to its proximity to a bus route, the community centre, a church and St. Vital Centre.

George Janzen, Georgian Bay Developments Inc., appeared in support of the application. Mr. Janzen explained that amendments were made to the site plan after meetings with area residents and that the development was well under the density allowable under the proposed zoning. In response to a question from Councillor Steeves, Mr. Janzen indicated that the original plan for the site was for the construction of four (4) storey condos but the plan was redrawn to provide larger buffer areas and the development of two (2) storey condos nearest area residents.

Jeff Jenkins appeared in opposition to the application and read from a presentation, filed as Exhibit 34. In response to a question from Councillor Steeves, Mr. Jenkins indicated that he would be supportive of the application, with amendments, including larger setbacks from existing homes. In response to a second question from Councillor Steeves, Mr. Jenkins stated that sightlines would be impacted should the portion of the development adjacent to Dakota Street be constructed higher than four (4) storeys.

Gerald Gevers appeared in opposition to the application. Mr. Gevers stated that he resides in a raised bi-level adjacent to the subject property and that the proposed condominiums would adversely affect his privacy as his patio doors would face sixteen (16) balconies. Mr. Gevers stated that he would not support the application unless a forest of trees was planted between his home and the proposed building. In response to a question from Councillor Steeves, Mr. Gevers stated that he would not support pedestrian access to the property from his street as this would likely create a parking problem on said street.

Brad Cooper, a twenty (20) year resident of St. Vital, appeared in opposition to the application and stated he was under the impression that single-family homes would be constructed on the lot in question.

Pamela Astbury appeared in opposition to the application for the following reasons:

- The entrance on Dakota is located on a curve which would be dangerous;
- There is inadequate access for safety vehicles;
- There are no medical facilities within a reasonable distance;
- There will be increased noise pollution due to the sirens of ambulances responding to emergencies.

Brian Nelson appeared in opposition to the application. Mr. Nelson stated that when he had purchased his home seventeen (17) years ago, he had been advised that the land in question was zoned for single-family residential development. The Senior Planner indicated that Qualico Developments Ltd. had likely intended to develop the area in question as single-family residential but were unable to purchase it.

Jacqueline Seguin appeared in opposition to the application. Ms. Seguin indicated that, like Mr. Nelson, she was under the impression that the subject property was zoned for single-family housing. Ms. Seguin stated that she would prefer if the building would be limited to one (near existing homes) and three storeys (near Dakota Street) and if the only access to the site would be via Dakota Street.

Trish Moeller appeared in opposition to the application. Ms. Moeller stated that in 1992 she appeared in opposition at a similar hearing when the Van Hull family unsuccessfully attempted to rezone the subject property. Ms. Moeller iterated concerns regarding traffic.

Suzanne Souloudre appeared in opposition to the application. In response to a question from Ms. Souloudre, the Senior Planner explained that final plans for the development would be submitted to and approved by the Riel Community Committee.

Emily Stefanyshyn appeared in opposition to the application and concurred with the points raised in the presentation made by Jeff Jenkins. Ms. Stefanyshyn iterated that she would prefer if the subject property could remain "as is" and that the development of condominiums would adversely affect her property by creating more shade.

Gail Kerr appeared for information. Ms. Kerr stated she was torn as she was supportive of creating housing for seniors in the area but was concerned with adverse effects the development could have on traffic in the area.

Peter Dahm, accompanied by Ray Wan and Ross McGowan, returned in rebuttal. Councillor Steeves indicted that he would be requesting the application be adjourned for one month to allow another opportunity for the applicants to meet with area residents. Mr. Dahm iterated that the project was developed to accommodate area residents as much as possible.

Ray Wan indicated that Committee should make a recommendation this evening as he could address the majority of concerns raised by area residents, as follows:

- The density of the subject property will not be increased from the current proposal;
- The applicant would be prepared to conduct an inventory of neighbouring properties to assess existing damage and ensure that further damage is not incurred due to construction;
- Piles will be drilled, not pounded;
- The plans will be reviewed by the Riel Community Committee prior to the issuance of building permits and they would be willing to meet with area residents to go over said plans;
- The cul-de-sac recommended for Harlesden Drive should be removed;
- The extensive landscaping for the property will involve input from neighbouring residents;
- Will endeavour to increase parking on site as part of the plan approval process;
- Building will be lighted so it does not impact area residents negatively;
- Air conditioners will be located on the roof;
- The applicants are prepared to increase the setback from fifty (50) feet to seventy-five (70) feet;

Exhibit "6" referred to in File DAZ 228/2004

In reply please refer to / Référence à rappeler :

Kevin Lalor
(204) 986-5069
Fax / Téléc. : (204) 986-3684

File No. DAZ 228 /04
Our c/f CP 500 (. 554)

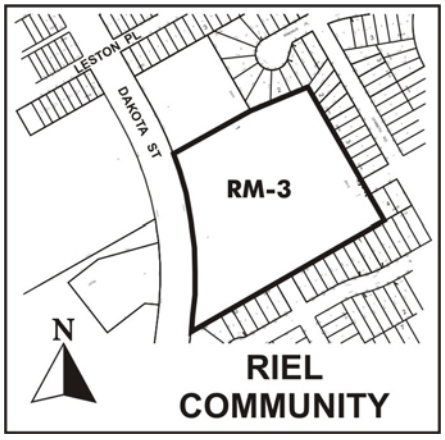
September 14, 2004

Marc Pittet, Clerk
Riel Community Committee
Council Building
510 Main Street
Winnipeg, MB R3B 1B9

Dear Mr. Pittet :

REZONING
Location: East of Dakota St., West of Lambeth Road
Riel Community Committee
File No. DAZ 228/04

An application has been received from Georgian Bay Developments, to amend By-Law No. 6400/94 by rezoning the land shown below from an "A-5" Agricultural District to a "RM-3" Multiple Family District to allow for 173 unit 55 plus seniors rental project.



RELATED FILES: NA

3056

SITE DESCRIPTION:

Site Area:
The overall area of the site totals approximately 8.7 acres. The parcel has approximately 600 feet of frontage on Dakota St.

Existing Land Use and Zoning:
The land has always been vacant and is zoned A-5 Agricultural.

Surrounding Land Use and Zoning:

North: To the immediate north is a church/parking lot zoned RM-1 Multiple Family and single family housing zoned R1-3.5.
South: To the immediate south are single family homes bordering onto the site zoned R1-3.5.
East: To the immediate east are single family residences zoned R1-3.5.
West: To the west of Dakota is a Community Centre, School & Library complex etc. zoned PR-1 Parks and Recreation.

DEVELOPMENT DESCRIPTION:
The applicants are proposing to construct a 173 unit 55+ Seniors rental complex with 90 surface parking stalls and a single approach to Dakota St. at the southwest corner of the lot. Two of the proposed wings are four (4) storeys in height and are the components closest to Dakota and the adjoining church; the remaining three (3) wings are two storeys in height and are the sections abutting the residential areas. The two storey sections account for 60% of the overall total or 105 dwelling units. Additionally the central core area is only a one storery structure. It should be noted that 103 of the overall total dwelling units proposed are one bedroom suites and the remaining 70 are two bedroom suites. Extensive landscaping and berming is also proposed on all four sides of the property.

PLAN WINNIPEG:
The site in question falls within a designated Neighbourhood Policy Area which allows for applications to be processed for new residential development of any density.

ADMINISTRATIVE COMMENTS:
The subject property has sat vacant for many years while adjoining lands to the east and south have gradually developed into residential housing neighbourhoods. At the time, it was thought that the subject property would quickly be purchased and similarly developed for single family housing. There was therefore provision for access to the area at at least two separate locations; Glenford Avenue and Harlesden Drive. Subsequently the surrounding residential areas have expanded and developed almost as far south as the Perimeter; Dakota Street has been twinned south of the subject site and; the adjoining Parks areas to the west have completely developed with a new library, school and community centre.

The land has now been purchased and the applicant is proposing to construct (not single family housing) but a seniors housing complex with direct access and egress to Dakota Street. The proposed housing complex is designed to accommodate people in the 55+ age bracket and will be a rental facility with provision for 173 one and two bedroom housing units. The applicants in conjunction with their architects began distributing copies of their initial development concept within the neighbouring community a year ago and subsequently received some feedback which ultimately led to some changes in their preliminary plans. In May of this year, several meetings were held with interest groups from the community culminating in a forum held on May 26/04 at which approximately 40 people attended. It is our understanding that the majority of people attending those meetings continue to oppose the use and development of the subject property for anything other than single family development. People apparently are concerned that the proposed use will not integrate well into the existing community and will adversely affect their property values. Some are also of the view that proposed building elevations are to high and therefore out of scale with adjoining homes on Marinus Place, Lambeth Road and Goldthorpe Crescent.

The Planning Dept. supports the proposed development for the following reasons. First, it is our contention that the land will never be developed for single family housing; its size and proximity to Dakota's transportation corridor, in our view, makes it a highly suitable location for either multiple family housing development, particularly housing geared to seniors or personal care homes or nursing facilities which are in short supply in or near suburban residential neighbourhoods. But in the unlikely event that this land was to be opened up for single family housing, it is large enough to accommodate upwards of 35-40 dwellings. If and when that happened, the traffic to and from those homes would be required to funnel out through the access points provided for at Harlesden and Greenford. That traffic would be significant and would, we suggest, have a much greater impact on the existing character of the neighbourhood than would a senior's complex, properly sited and designed, with restricted access to Dakota Street. Second, there is growing demand for more quality affordable rental housing, particularly for seniors. This type of housing is a necessary and viable alternative to condo housing, which is, for many people, increasingly unaffordable.

Finally, it is our contention that an extensively landscaped and well maintained buffer area between existing homes and any kind of development on the subject property can only add value to adjoining properties. Certainly what is being proposed in the way of berming and extensive landscaping has to be an enormous improvement over the current situation…. an empty unmaintained field. Through the Plan Approval process, this Department will endeavor to ensure that detailed landscaping plans are approved prior to the issuance of any building permits and we will also attempt to ensure that the high level of landscaping and berming approved by your Committee is maintained over time. In acknowledgement of adjoining residential concerns, this Dept. is also recommending, as a condition of approval, that all new buildings be setback a minimum of seventy-five (75) feet from the north, east and south property lines. That should be adequate separation for those proposed wings which will not exceed 28' in height. That is less than the maximum allowable height for dwellings on adjoining residential lots.

RECOMMENDATION:

I. That By-law 6400/94 be amended by rezoning the subject land as shown on Schedule "A", for file DAZ 228/04, attached hereto and dated September 14, 2004, to an " RM-3" Multiple Family 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 the report of the Administrative Coordinating Group dated August 31/04.

B) That the applicant enter into a zoning agreement with the City of Winnipeg pursuant to Subsection 240(1) of The City of Winnipeg Charter, to provide for the following:

i. That plans shall be submitted showing the location and design of any new proposed buildings, the location and design of accessory parking areas, private approaches, exterior lighting ,garbage enclosures, fencing ,and details of extensive landscaping to the Riel Community Committee for Plan Approval prior to the issuance of any building or development permits.

ii. That there be no vehicular or pedestrian access permitted to the site via either Harlesden Drive or Greenford Avenue.

iii. That a minimum seventy-foot separation space be maintained between the proposed new structure and the north, east and south property lines of the site.

II. That Caveat No. 1312187 be withdrawn as it affects Lot 4, Blk 1, Plan 25373.

III. That, in the event this application is not proceeded with expeditiously and the by-law is not enacted within twenty-four (24) months after adoption of this report by Council, the matter shall be deemed to be concluded and shall not be proceeded with unless an extension of time is applied for prior to the expiry of this twenty-four (24) month period and the extension is subsequently approved by Council.

IV. That the City Solicitor be requested to prepare the necessary rezoning by-law and forward same to Council for all three readings.

V. That the rezoning by-law shall come into effect when the Zoning Agreement has been registered by caveat as a first charge against the subject land at the Winnipeg Land Titles Office, provided that the said effective date occurs within twenty-four (24) months from the date that the said rezoning by-law is adopted by Council.

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

VII. That the City Solicitor be requested to do all things necessary for implementation in accordance with the terms of The City of Winnipeg Act.

Final

Yours truly,

C. Knoll
Manager of Planning and Land Use

Per: Kevin Lalor, Senior Planner
(Riel Community)
986-5069

/jc

3060

By-Law No. _____

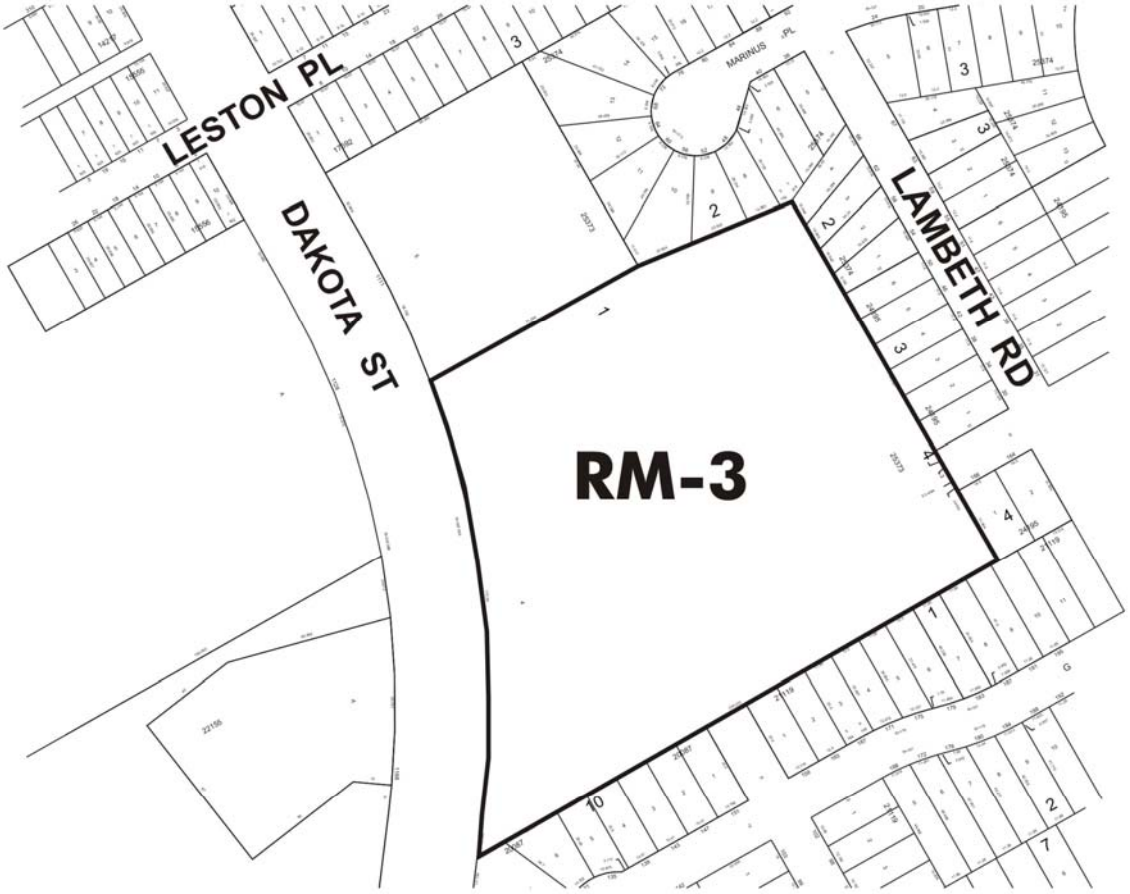
File No. **DAZ 228/04**

Atlas Sheet No. **AJ28**
RIEL COMMUNITY

N

Explanation

A proposed zoning change to By-Law 6400/94 by rezoning the land located on the east side of Dakota Street west of Lambeth Road from an "A5' AGRICULTURAL DISTRICT to an "RM-3" MULTIPLE FAMILY DISTRICT as shown outlined below.



Schedule "A" for File No. DAZ 228/04, Riel Community Committee, dated September 14/04

THIRD READING : _____ EFFECTIVE DATE : _____

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No. _____

Exhibit "7" referred to in File DAZ 228/2004

Re: Proposed rezoning of land located on the east side of Dakota Street, south of Hyatt Place – DAZ 228/04

An application has been submitted by Georgian Bay Developments Inc. to rezone land located on the east side of Dakota Street, south of Hyatt Place.

It is recommended that the applicant amend the proposed plan by providing and legally opening, at no expense to the City, property required for a standard residential cul-de-sac turnaround at the westerly terminus of Harlesden Drive.

It is recommended that approval of the amended plan be subject to the Developer entering into a Servicing Agreement as follows:

1. The Developer shall, at no expense to the City, construct a standard permanent residential cul-de-sac pavement and all related works including street lighting, boulevard landscaping and land drainage sewer in the new Harlesden Drive turnaround all as determined by and to the satisfaction of the Director of Public Works.
2. The Developer shall pay to the City its share of the cost of services previously installed by the City in Dakota Street along the full length of the property as determined by the Director of Public Works as follows:

    i) 2/3 of the cost of a 4.0m in width by 200mm in thickness portland cement concrete pavement and related works;
    ii) 2/3 of the cost of street lighting in the east boulevard;
    iii) 2/3 of the cost of a 1.5m in width by 100mm in thickness portland cement concrete sidewalk;
    iv) 2/3 of the cost of landscaping in the east boulevard;
    v) wastewater sewer;
    vi) watermain;
    vii) land drainage sewer.

3. a) The Developer shall pay the regional land drainage trunk charge applicable to this site. The 2004 rate therefor is $12,967.00/acre.
    b) The Developer shall restrict land drainage flow from the site to a run-off co-efficient of 0.43 and shall discharge the flow from the entire site directly to the existing land drainage sewer in Dakota Street.
4. The Developer shall, at no expense to the City, construct in portland cement concrete pavement, a 15.0m southbound left turn storage lane, upstream transition, modifications to the existing median opening and all related works, on Dakota Street at the proposed access to the development as determined by and to the satisfaction of the Director of Public Works.

5. The Developer shall, at no expense to the City, provide underground electrical and telephone services to serve the proposed subdivision and will pay the full cost to convert any existing overhead services within the proposed subdivision to underground.
6. The Developer is to pay all costs associated with the installation and/or relocation of street lighting and other utilities made necessary as a result of or required to accommodate works, which are required by the Developer to serve the proposed subdivision, as determined by and to the satisfaction of the Director of Public Works.
7. The Developer shall be responsible to control and to initiate the clean up of litter and refuse from the contractors and builders for this development, both on-site and off-site, during the installation of services and construction of buildings, until substantial completion of all construction. The clean up of litter and refuse shall be done on a regular basis as determined by the Director of Public Works. This shall include initiating and assuming any costs in remedying the situation to the satisfaction of the Director of Public Works.
8. 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.
9. The Developer shall pay $1,200.00/acre to defray the City's administration and related costs associated with the preparation and implementation of the servicing agreement.
10. The Developer shall pay the full cost of engineering services provided by or on behalf of the City in connection with the installation of the cul-de-sac turnaround and related works in Harlesden Drive and the southbound left-turn storage lane in Dakota Street.

Dedication of land for public open space is not applicable in this instance as this was fully satisfied through a previous development application DASZ 58/86.

THIS REPORT SUBMITTED BY:

Administrative Coordinating Group
File No. AG 228/04
August 31, 2004

"Original signed by E.L. Carrière"
Land Development Engineer

"Original signed by K.T. Raban"
Water and Waste Department

"Original signed by R.J. Hartmann"
Public Works Department
Transportation Division