Minute No. 94
Report - Standing Policy Committee on Property and Development - November 30, 2004

Item No. 3 **Subdivision and Rezoning - south side Leila Avenue between Agnes Arnold and Dunham Streets**
File DASZ 22/2004

COUNCIL DECISION:

Council concurred in the recommendation of the Standing Policy Committee on Property and Development that the application for subdivision and rezoning under File DASZ 22/2004 not be proceeded with.

DECISION MAKING HISTORY:

Moved by Councillor De Smedt,

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

Carried

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On December 8, 2004, the Executive Policy Committee concurred in the recommendations of the Standing Policy Committee on Property and Development and the Lord Selkirk – West Kildonan Community Committee and submitted the matter to Council

STANDING COMMITTEE RECOMMENDATION:

On November 30, 2004, the Standing Policy Committee on Property and Development concurred in the recommendation of the Lord Selkirk-West Kildonan Community Committee and submitted the matter to the Executive Policy Committee and Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On November 2, 2004, the Lord Selkirk-West Kildonan Community Committee did not concur in the administrative recommendation and submitted to the Standing Policy Committee on Property and Development that the application for subdivision and rezoning under File DASZ 22/2004 not be proceeded with.

On October 5, 2004, the Lord Selkirk-West Kildonan Community Committee adjourned the public hearing with respect to the application to its meeting scheduled for November 2, 2004, at 6:00 p.m., in the Council Building, 510 Main Street, and requested that, in the interim, the applicant arrange and advertise an open house (in addition to a mail drop-off) to give area residents the opportunity to meet informally to discuss their concerns, and to come back to Committee with a revised plan that would be supported by the majority of the area residents.

RE:	**Subdivision and Rezoning - south side Leila Avenue between Agnes Arnold Street and Dunham Street File DASZ 22/2004**
For submission to:	**The Standing Policy Committee on Property and Development**
Prepared by:	**Diane Timmins, Clerk, Lord Selkirk-West Kildonan Community Committee**
Report date:	**November 24, 2004**

COMMUNITY COMMITTEE RECOMMENDATION:

On November 2, 2004, the Lord Selkirk-West Kildonan Community Committee did not concur in the administrative recommendation and recommends to the Standing Policy Committee on Property and Development that the application for subdivision and rezoning under File DASZ 22/2004 not be proceeded with.

The Lord Selkirk-West Kildonan Community Committee provided the following supporting reason for its recommendation:

1. The Lord Selkirk-West Kildonan Community Committee believes the proposed development is not in keeping with the density, height and character of the surrounding neighbourhood.

PUBLIC HEARING SUMMARY

File: DASZ 22/2004

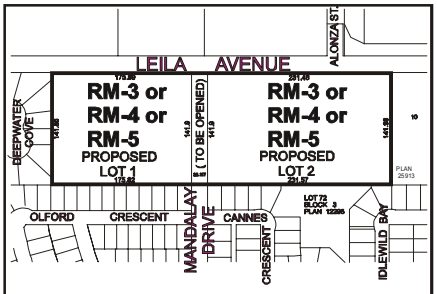
Before: Lord Selkirk-West Kildonan Community Committee
Councillor Lazarenko, Chairperson
Councillor O'Shaughnessy

Public Hearing: November 2, 2004
Council Chamber
Council Building, 510 Main Street

Adjourned from: October 5, 2004

Applicant: Kris Sidhu

Subject:



LORD SELKIRK
WEST KILDONAN
COMMUNITY

APPLICANT: MR. K. SIDHU
FILE: DASZ 22/04
PROPOSAL: An application for the approval of the plan of subdivision shown outlined above as may be determined by Council and for a proposed zoning change to By-Law 6400/94 by rezoning the land shown outlined above from an "A.5" AGRICULTURAL DISTRICT to an "RM-3" MULTIPLE-FAMILY DISTRICT or an "RM-4" MULTIPLE-FAMILY DISTRICT or an "RM-5" MULTIPLE-FAMILY DISTRICT. **For information phone Mr. D. Marsh, Planner at 986-5549**

Premises Affected: south side Leila Avenue between Agnes Arnold Street and Dunham Street

Exhibits Filed:

1. Application dated June 17, 2004
2. Notification of Public Hearing dated August 19, 2004
3. Manitoba Status of Titles 1690819, 1691682, 1990337
4. Letter of authorization dated May 4, 2004 from Oscar and Luzvimida Surla to Kris Sidhu
5. Development Plan (2 pages)
6. Report from the Manager of Planning and Land Use dated September 28, 2004
7. Report from the Administrative Coordinating Group dated September 22, 2004
8. Communication from Maria and Robert Doerr dated September 30, 2004, in opposition to the application
9. Communication from Marlene Chyzzy dated October 1, 2004, in opposition to the application
10. Communication from Alison Harman dated October 4, 2004, in opposition to the application
11. Inspection Report
12. Petition in opposition to the application purporting to contain the signatures of 390 area residents, submitted by Maria Doerr
13. Map highlighting the addresses of the area residents who signed the petition in opposition to the application submitted by Maria Doerr
14. Sketch submitted by Otto Gebhardt III showing the total number and breakdown of vehicles crossing the intersection at Mandalay Drive and Jefferson Avenue on October 1, 2004 between 7:30 a.m. and 8:30 a.m.
15. Additional map highlighting the addresses of the area residents who signed the petition in opposition to the application submitted by Maria Doerr
16. Communication from Roberta Ferguson, Robert Geswein, Garry and Kim Yanke, dated October 17, 2004 in opposition to the application
17. Communication from Marlene Skrinski dated October 25, 2004 in opposition to the application
18. Communication from Maria Doerr dated October 25, 2004 in opposition to the application
19. Communication from Maria Doerr dated October 26, 2004 in opposition to the application

20. Revised Report from the Manager of Planning and Land Use dated October 26, 2004
21. Communication from S. Ross Anderson and Marlene Chyzzy dated October 29, 2004 in opposition to the application
22. Communication from Ken Harman dated November 1, 2004 in opposition to the application
23. Communication from Alison Harman dated November 1, 2004 in opposition to the application
24. Communication from Roberta Ferguson and Robert Geswein, Garry and Kim Yanke, and Richard and Cliffa Braganza dated November 1, 2004 in opposition to the application
25. Communication from Marlene Skrinski received November 2, 2004 in opposition to the application
26. Open house sign-in sheet submitted by David Marsh, Planner, Planning, Property and Development Department
27. Revised Multi-family conceptual plan submitted by the applicant which was received by the Planning, Property and Development Department on November 2, 2004
28. Petition purporting to contain the signatures of sixty-seven (67) area residents in support of the application submitted by Sid Soronow at the adjourned public hearing on November 2, 2004
29. Presentation made by Derek Dabee, at the adjourned public hearing on November 2, 2004 in opposition to the application
30. Presentation made by Nadine Scholl, at the adjourned public hearing on November 2, 2004 in opposition to the application
31. Presentation made by Dennis Ruggles, at the adjourned public hearing on November 2, 2004 in opposition to the application
32. Presentation made by Maria Doerr, at the adjourned public hearing on November 2, 2004 in opposition to the application
33. Presentation made by Jerry Keis, at the adjourned public hearing on November 2, 2004 in opposition to the application
34. Presentation made by Lara Solmundson, at the adjourned public hearing on November 2, 2004 in opposition to the application

REPRESENTATIONS:

In Support:

Angela Ayson
Elaine Ayson
Felizardo Asyon Jr.
Macario Bautista
Kuljit Bhattal
Balwinder Brar
Inderdeep Brar
Major S. Brar
Pritam Brar
Sewak Brar
Sid Brar
Juana B. Caraulia
William Caraulia
Vernfal Vee G. Castillo
Jan-Stephen Castro
Keith Clementi
Fred De Villa
Devinder Dhaliwal
Gurmeet Dhillon
Gulbaj Dhillon
Dilraj Dhillon
Sukhjinder Dhillon
Lakmuir Dmonia
Ayson Felizardo, Jr.
Elizabeth Garcia
Elma Garma
Paramjit Gill
Gurdip Singh Gill
Surinder Grewal
Ramandeep Khosa
Nathaniel Imperial
Ilumnada Maglian
Edwin Maglian
Amritpaul Matharoo
Nicahor Mingaracal
Gerald Paculan
Gerardo Paculan
Michael Paculan
Verne Reimer
Evelyn Rosario
Jaswinder Sandhu
Bhupinder Sandhu
Sukhpal Sandhu
Devinder Sangha
Sam Sarbit
Norma Serrano
Celso Serrano
Michelle Serrano-Flores
Kris Sidhu
Baljinder Sidhu
Khushwant Sidhu
Satwant Sidhu
Harshdeep Singh
Sidney G. Soronow
Michael Soronow
Lucita Surla
Oscar Surla
Luzviminda Surla
Mila Tamayo

In Opposition:

Carlo Alambra
Shelley Alambra
S. Ross Anderson
Yasmin Ali
Penny Anderson
Angelo Battistoni
Manjeet Singh Bedi
Nelson Benevides
Manuel Benevides
Maria Benevides
Peter Blawat
Cliffa Braganza
Richard Braganza
Nadia Burtniak
Manuel Calisto
Marlene Chyzzy

Maurice Cox
Sandy Dabee
Derek Dabee
Charlotte and Barry Dalgleish
Shepanie Dayton
Maria Doerr
Robert Doerr
Manuel Evaristo
Armenia Evaristo
Marcelino Evaristo
Roberta Ferguson
Luis Gameiro
Otto Gebhardt III
Robert Geswein
Joao Gomes
Laura Gomes
Ben Hanuschak
Nadia Hanuschak
Ken Harman
Alison Harman
Arthur Hedinger
Martin Brian Herscovitch
Dieter Janzen
Cristina Jose
Rolando Jose
Amrik Kainth
Jerry Keis
Sandra Leonardo
Pik Ching Li
Jerry Lostowsky
Terry Mages
Dan Mages
Gary Mages
Garry Mahyle
Terri Mahyle
Marilyn Marostica
Tom Marostica
Luis Matus
Melanie McIntosh
Lucia Medeiros
Mila Mendoza
Cecilio Mendoza
Maya Moreno
Fred Moroz
Bhagwant Muker
Devinder Pal Singh Muker
Bernarda Ocampo
Artemio Ocampo
Diane Pawulski
Janice Pitts
Debbie Prucopchuk
Don Prucophuk
Luis Rocha
Eva Rostek
Lawrence Rostek
Lynda Ruggles
Dennis Ruggles
Debra Schmid
Charlie Scholl
Nadine Scholl
Marlene Skrinski
Lara Solmundson
Pastora Urrutia
Anna Valenta
Pavel Valenta
Bill Verbong
Wendy Verbong
Bruno Visintin
Hakam Warha
Kevin Webb
Sheryl Webb
Shaun Williams
Garry and Kim Yanke
Edward Zorn

For information:
Cris Aglugub
Annick Young
Bob Young

For the City:
Mr. C. Torpey, Land Development Engineer, Planning, Property and Development Department
Mr. D. Marsh, Planner, Planning, Property and Development Department

SUMMARIZATION OF REPRESENTATIONS AND SUBMISSIONS
MADE AT THE PUBLIC HEARING

October 5, 2004

Sid Soronow, accompanied by his son, Michael Soronow, representing the applicant, Kris Sidhu, appeared in support of the application. Sid Soronow stated the application is for the subdivision and rezoning of a vacant piece of land currently zoned agricultural and located between Agnes Arnold Street and Dunham Street on the south side of Leila Avenue. Committee was advised that significant thought was given into the proposed multi-family development and as a result of consultation with the civic administration, the application was changed from its original filing Mr. Soronow showed Committee a conceptual plan of the site and gave an overview of the proposed development. He indicated that as 35% of the proposed development abuts existing residential detached dwellings, bungalow-style side by sides are being proposed to create a transition between the two residential components. Committee was advised the proposed value of the bungalow side by sides, with a double attached garage is $160,000.00, while the value of the proposed condominium units is in the $150,000.00 range. Mr. Soronow stated concurrence in the recommendations outlined in the report of the Manager of Planning and Land Use and requested that the subject application be approved for the following reasons, namely:

1. The subject property is a vacant piece of undeveloped land which is a breeding ground for mosquitoes.

2. The proposed development will be a first class project in the approximate amount of $45,000,000, demonstrating the developer's commitment to the City; and will be done in a tasteful manner and be an enhancement to the area.

3. The extension of Mandalay Drive north of Leila Avenue will be an added value to the area.

4. Single-family residential development for this parcel of land is not economically feasible.

5. There is a positive administrative recommendation with conditions.

In answer to Councillor O'Shaughnessy's question, Sid Soronow confirmed that while the adjacent residential neighbourhood has approximately five houses per acre and the proposed development would have approximately fourteen houses per acre, it has been determined that given the size of this parcel of land, single-family housing would not be economically viable. In

this connection, Mr. Soronow also stated that every area of the City has multiple-family development constructed next to single-family residential development. In response to Committee's question, Mr. Soronow further stated that the square footage of the proposed side by side bungalows with an attached double garage would be in the 1200 to 1300 square foot range.

The applicant, Kris Sidhu, appeared in support of the application and provided the following responses to Committee's questions, namely:

1. He has met with some of the area residents to discuss their concerns regarding the proposed development, and noted that a few residents to whom he spoke were in attendance at this public hearing.

2. He would be agreeable to an adjournment of this public hearing in order to hold an open house in the area and discuss the proposed development and endeavour to allay fears and address concerns of the area residents.

3. He has not yet met with Genstar to coordinate the paving of Leila Avenue.

Councillor O'Shaughnessy advised that he will be recommending an adjournment of the application to the next meeting of the Lord Selkirk-West Kildonan Community Committee on November 2, 2004, and requested that, in the interim, the applicant arrange and advertise an open house to afford an opportunity to the area residents to informally discuss their concerns.

Sid Soronow stated that Mr. Sidhu would have no hesitation in carrying out Committee's request and that it would be a pleasure to engage in a constructive dialogue with the area residents.

November 2, 2004

Sid Soronow, accompanied by Michael Soronow, Verne Reimer, Stantec Architecture Ltd., and the applicant, Kris Sidhu, appeared on behalf of the applicant in support of the application. Sid Soronow drew Committee's attention to the fact that the rezoning application submitted by the applicant applied for an "RM-5" zoning classification for the subject property, but after discussions with the administration, it was decided that the property should be down-zoned to an "RM-3" zoning category. In this connection, the Planner clarified that the advertisement for the subdivision and rezoning application under File DASZ 22/2004 applied for "RM-3", "RM-4" or "RM-5" zoning for the subject property so as to give the applicant the option (assuming Council approval was granted) to develop various intensities of multiple-family housing. Sid Soronow advised Committee that the applicant and his architectural advisors expended considerable time in presenting a concept of the site layout where the idea was to create a sufficient transition area between the existing residential properties and the proposed development by the construction of bungalow-style condominiums.

Sid Soronow further advised that pursuant to Committee's directive of October 5, 2004, an open house was arranged whereby the applicant and area residents had an opportunity to meet informally to discuss the proposed development. Mr. Soronow stated that one of the greatest concerns expressed by the residents living on the west side of Leila Avenue were the proposed condominium side by sides even though this was considered to be an effective transition by representatives of the Planning, Property and Development Department. Other areas of concern expressed at the open house were as follows:

- The need to address the issue of infrastructure, wastewater and stormwater sewers prior to any new development proceeding

- The school system is not adequate to meet the needs of the community. In this connection, Mr. Soronow was of the view this was not appropriate to the land issue question but stated that inasmuch as the proposed development would be geared to the 50+ group, there would not be a lot of school age children resulting from the proposed development

- The community will only support single-family detached dwellings on the subject property. In this connection, Mr. Soronow suggested that this type of attitude demonstrates a lack of flexibility on the part of the area residents

- The design of any proposed buildings on the subject property should have sufficient character and diversity to fit in with the surrounding neighbourhood

- The proposed development will adversely impact property values. In this connection, Mr. Soronow stated he did not agree with same and commented there already is a strip of duplexes on Mandalay Drive in the surrounding area.

- The proposed development will generate more traffic on Mandalay Drive. In this connection, Mr. Soronow drew Committee's attention to the fact that in an effort to address this concern, the developer has proposed a roundabout on Mandalay Drive that would direct traffic to Leila Avenue. Additionally, the developer is willing to extend Leila Avenue before extending Mandalay Drive and full development of the site would not occur until such time as the extension of Mandalay Drive has occurred.

Committee was advised that subsequent to the open house and in an effort to address the concerns expressed, the developer went back to the drawing board and came up with a new plan whereby the proposed condominium side by sides on the west side of Leila Avenue were deleted in their entirety and relocated to the area facing the park. In this connection, Mr. Soronow showed Committee an architect's rendition of the new subdivision plan and the homes proposed to be constructed abutting the existing residential houses and gave an overview of the new subdivision plan which has been reoriented with a much greater focus on landscaping. Mr. Soronow noted that everything in the proposed development will form part of the plan approval

process which is subject to the approval of the Lord Selkirk-West Kildonan Community Committee prior to the issuance of any building permit. Sid Soronow submitted a petition purporting to contain the signatures of sixty-seven (67) area residents in support of the application, filed as Exhibit 28. Mr. Soronow requested that the application for rezoning to an "RM-3" zoning designation be approved for the following reasons:

- The developer has demonstrated he is endeavouring to address the concerns of the area residents by making revisions to the original plan of subdivision

- The revised plan of subdivision represents an opportunity for controlled development in an orderly fashion, and from a planning perspective, the subject property is ideally situated for the mix of residential development proposed. In this connection, Mr. Soronow commented that the vibrancy of a City is dependent upon the diversity of its residential development

- The proposed rezoning conforms with Plan Winnipeg and will be at a scale and density compatible to the surrounding neighbourhood. In this connection, Mr. Soronow cited examples in River Heights where multiple-family housing is located in the midst of a residential area and noted that this type of development occurs with frequency throughout other parts of the City

- The revised report of the Manager of Planning and Land Use (subject to conditions) recommends an "RM-3" multiple-family residential district for the subject property and represents an unbias and analytical assessment of the proposed development

- There are area residents, who have signed a petition in support of the proposed development (See Exhibit 28).

The Planner drew Committee's attention to the fact that the Planning, Property and Development Department had not been made aware of a revised plan until late yesterday (November 1, 2004) and did not receive a copy of the revised Multi-family conceptual plan, filed as Exhibit 27, until late in the afternoon of the day of the adjourned public hearing (November 2, 2004). Therefore, the revised report of the Manager of Planning and Land Use dated October 26, 2004, filed as Exhibit 20, does not take into consideration the revised plan.

Fred De Villa, also appearing in support of the application, stated he did not agree the proposed development would generate more traffic for the area inasmuch as the housing proposed are not apartment buildings and was of the view there is a need for condominium housing in the area.

Sam Sarbit, also appearing in support of the application, requested that Committee give a favourable recommendation to this application for the following reasons:

- there is no quality condominium development in the area and he should not have to look to other areas of the City to downsize

- the proposed development is viable for this part of the City and would not diminish the value of the surrounding residential properties inasmuch as condominium owners purchase their properties and take better care of their properties than renters

- likes the buffer zone proposed in the development, and noted there is consideration for a swimming pool and sauna in the plan

- likes the mix of three-storey garden condominiums with the bungalows

- likes the concrete construction rather than wooden structures for the condominiums.

Derek Dabee, appeared in opposition to the application and read into the record his presentation, filed as Exhibit 29. Mr. Dabee made reference to the petition in opposition to the application purporting to contain the signatures of 390 area residents submitted by Maria Doerr, filed as Exhibit 12. He stated this demonstrates the fact that there is broad and overwhelming opposition to the subject application and requested the Community Committee to reject this application. He also stated he does not agree that the applicant wishes to work with the community inasmuch as the applicant has shown disregard for the area residents in providing them with only one day's notice of the open house. In conclusion, Mr. Dabee stated the community would be supportive of single-family housing for the subject property that would be compatible with the surrounding residential neighbourhood.

Nadine Scholl, also appeared in opposition to the application and read into the record her presentation, filed as Exhibit 30. Considerable discussion ensued relative to the alleged short notification of the open house to the area residents and the type of notice delivered. In conclusion, Ms Scholl questioned the professionalism of the applicant and his ability to provide a quality development. She requested Committee to reject the subject application.

Dennis Ruggles, also appeared in opposition to the application and read into the record his presentation, filed as Exhibit 31. Mr. Ruggles advised Committee that he resides on the corner of Mandalay Drive and Cannes Crescent, approximately 150 feet from the proposed development. Mr. Ruggles addressed the issue of additional traffic that would be generated with the approval of the proposed multiple-family housing and the decrease in property values resulting therefrom.

Maria Doerr, also appeared in opposition to the application and read into the record her presentation, filed as Exhibit 32. Ms Doerr stated she did not agree with the statement the applicant has shown a lot of hard work and thought processes and commented that the proposed turnaround contained in the revised plan was not the developer's idea, given that the developer was instructed to provide for same by the Administration. She also questioned the level of

professionalism shown by the applicant with this application and asked why the revised plan was not submitted to the Administration for review and to the area residents for comment prior to its submission on the same day of the adjourned public hearing. In the event the Lord Selkirk-West Kildonan Community Committee should decide to make a positive recommendation in this matter, Ms Doerr requested that the area residents be given an opportunity for review and input prior to any plans being submitted by the developer for the approval of the Lord Selkirk-West Kildonan Community Committee. In conclusion, Maria Doerr advised Committee that she is not opposed to development of the subject property, but feels the proposed development is not compatible with the surrounding residential neighbourhood.

Jerry Keis, also appeared in opposition to the application and read into the record his presentation, filed as Exhibit 33. Mr. Keis drew Committee's attention to the fact that eighteen (18) years ago when Genstar displayed their plans to the public, they showed single-family houses on the proposed multiple-family site and it was on that premise, that his home was built. Mr. Keis concluded that if the condominium project is approved, traffic congestion in the area would be unbearable.

Lara Solmundson, also appeared in opposition to the application and read into the record her presentation, filed as Exhibit 34. Ms Solmundson focussed on the issues of increased traffic and overcrowding in area schools with the proposed development and requested the Community Committee to reject same.

Otto Gebbardt III also appeared in opposition to the application and reiterated the concern relative to the additional traffic that would be generated by the proposed multiple-family housing. Committee was advised that at the adjourned public hearing, he submitted a sketch showing the total number and breakdown of vehicles crossing the intersection at Mandalay Drive and Jefferson Avenue on October 1, 2004 between 7:30 a.m. and 8:30 a.m., filed as Exhibit 14. Committee was advised a total of 619 vehicles crossed through that intersection in that one hour period. Mr. Gebbardt III questioned how much higher the numbers would be if the proposed development was approved. Mr. Gebbardt III also questioned the statement that the proposed development would target residents 50 years of age and older and how this would be enforced. He also expressed concern that the proposed "RM-3" multiple-family district would not be compatible with the existing residential neighbourhood and what would happen in the event the proposed condominiums were converted to apartments. In conclusion, Mr. Gebbardt III strongly urged the Community Committee to reject this application.

Angelo Battistoni, also appeared in opposition to the application and advised Committee that he did not receive notification of the open house arranged by the applicant. In this connection, Mr. Battistoni suggested the applicant has "cut corners" by not ensuring that all of the area residents were properly notified of the open house and questioned the kind of development that would occur if this application was approved. He also expressed concern regarding the revised conceptual plan submitted by the applicant that was submitted late. Mr. Battistoni was of the

view there should be single-family detached housing on the subject site and requested Committee to deny the application.

In rebuttal, Sid Soronow made the following comments:

- Committee should recognize the difficulty the applicant had in setting up a meeting (open house) of this magnitude. In this connection, Mr. Soronow confirmed that the applicant had published a notice of the open house in the Winnipeg Free Press

- the revisions made by the developer to the plan should not be construed as a criticism of the developer

- the revised plan was submitted late because of the concerns raised by the area residents at the open house and the time it took to devise a plan that would address these concerns

- the applicant has retained a strong team of resources in this matter
- the developer has endeavoured to address the concerns of increased traffic flow by extending Leila Avenue first in order to divert traffic from Mandalay Drive

- the subject property has remained vacant and zoned "agricultural" for a number of years

- several persons in opposition have indicated they are not against development of the subject property

- the area residents will have an opportunity for further input with the plan approval process

- refuted the allegation that the developer was instructed by the Administration to provide for the turnaround in the revised conceptual plan but rather the developer offered to put it in

- feels the nature of the opposition is directed to the original plan and not to the revised plan

- the proposed multiple-family development is appropriate, has been well thought out and is compatible with the surrounding residential neighbourhood and requested the Community Committee to give favourable consideration to this application.

Exhibit "20" referred to in File DASZ 22/2004

In reply please refer to / Référence à rappeler :

David Marsh, AICP
(204) 986-5549
Fax / Téléc. : (204) 986-7524

File No. DASZ 22/04 October 26th, 2004
Our c/f CP 300 (.317)

Ms. Diane Timmins, Community Clerk
Lord Selkirk – West Kildonan Community Committee
Council Building
510 Main Street
Winnipeg, MB R3B 1B9

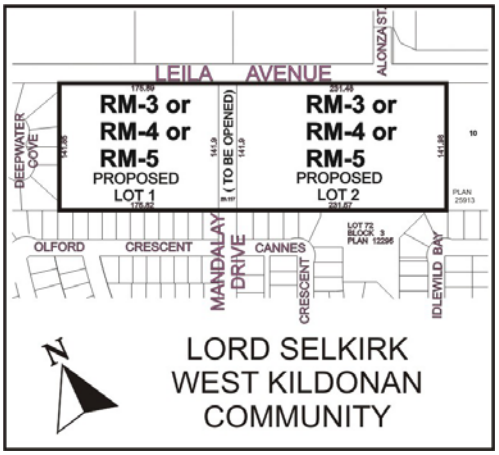
Dear Ms. Timmins:

REVISED REPORT

SUBDIVISION AND REZONING
South Side of Leila Ave, Between Agnes Arnold & Dunham St.
Lord Selkirk – West Kildonan Community Committee
File No. DASZ 22/04

An application has been received from Kris Sidhu for approval of a plan of subdivision and related zoning change to Zoning By-Law No. 6400/94 by rezoning the subject lands from an "A-5" Agricultural District to a "RM-5" Multiple Family Residential District to permit the development of multiple family housing. This item was adjourned by the Lord Selkirk – West Kildonan Community Committee at its October 5th, 2004 hearing in order to hold a meeting between the applicant and the surrounding neighbourhood.

RELATED FILES: N/A



SITE DESCRIPTION:

Site Area, Existing Land Use and Zoning:

The property in question is currently vacant, and is zoned "A-5" Agricultural. The subject site is approximately 625,100 squre feet (14.35 acres) in size. Please note that the report submitted to the Lord Selkirk – West Kildonan Community Committee for its October 5th, 2004 meeting in error stated that the site was 427,800 square feet (9.82 acres) in size.

Surrounding Land Use and Zoning:

North: Leila Ave right-of-way, then vacant land (A-5)
South: Detached residential buildings (R1-5) and open space (PR-1)
East: A religious assembly building (A-5), then detached residential buildings (R1-5)
West: Detached residential buildings (R1-5.5)

DEVELOPMENT DESCRIPTION:

The applicant, Kris Sidhu, has proposed to rezone the proposed site from "A-5" Agricultural to "RM-5" Multiple Family Residential to facilitate new residential development. The applicant is proposing to construct a mix of duplex units and condo units within several multi-storey buildings. The proposed multi-storey buildings are to be constructed adjacent to the Leila Avenue right-of-way, while a series of duplex homes will abut the existing detached residential homes to the south and west of the site. A recreation building is also proposed to be constructed on site for use by the condo association.

A total of thirty-six duplex units are proposed, while the total number of condo units within the proposed multi-storey buildings is not specified. The total number of units will be determined by the number of storeys constructed. A series of three-storey buildings would result in between 180 to 216 units, whereas a series of four-storey buildings would result in between 240 to 288 units.

PLAN WINNIPEG:

The subject property falls within a designated Neighbourhood Policy Area under Plan Winnipeg, which allows for mixed use, commercial, and residential development. Plan Winnipeg Policy *3A-01 Promote Orderly Development* states "The City shall promote orderly development through land use designations on Policy Plate A by: ii) considering the Neighbourhood designation to signify areas of local indentity with mutually supportive uses generally including a residential mix…at a scale and density compatible with each other". Moreover, Plan Winnipeg Policy *3A-02 Promote Compact Urban Form* states "The City shall promote compact urban form in support of sustainability by: v) supporting new development which is adjacent to, and compatible with, existing development and which is deisgned to minimize the spatial use of

land". Thus, the proposed rezoning is in conformance with Plan Winnipeg if it is deemed to be at a scale and density compatible to the surrounding neighbourhood.

ADMINISTRATIVE COMMENTS:

The proposed rezoning and development has been reviewed in terms of density and height, access and circulation, site planning, and compatibility with the surrounding neighbourhood. Each of these are discussed in the subsections outlined below.

Compatibility with the Surrounding Neighbourhood:

Multiple family residential developments can be compatible with existing single family residential neighbourhoods when constructed in a manner that is sensitive to transitions in density, height, and housing type. The proposed rezoning and development proposes an effective transition through the use of a series of duplex units adjacent to the existing residential homes on the south and west boundaries of the site. The proposed multi-storey condo units are proposed to be located on the opposite side of an internal street serving the condo buildings and duplex units, thus providing an additional area of transition. The density and height proposed for the multi-storey buildings will be the determinant as to whether the proposed development is compatible with the surrounding neighbourhood, which is discussed in additional detail below.

Density and Height:

The 'RM-5' Multiple Family Residential district proposed by the applicant permits a maximum height of 70', which would allow multi-storey buildings up to six or seven storeys in height. In terms of density, the 'RM-5' Multiple Family Residential district requires a minimum lot area of 600 square feet per unit, which would permit a maximum of 1041 units on the subject 14.35 acre site. It is important to note that the site could not be fully developed to this intensity owing to land requirements for streets, parking, setbacks, and landscaped areas.

The Planning & Land Use Division does have concerns with the potential for developing this site at 'RM-5' Multiple Family Residential district development standard in terms of height and density. Development at the density and height maximums of the 'RM-5' district would result in a development that is not compatible with the surrounding neighbourhood, as the heights and density permitted would be excessive in contrast to the immediate surroundings. In contrast, development at a 'RM-3' or 'RM-4' Multiple Family Residential district permit a maximum height of 45', which may be a more appropriate height for a suburban context. Based on the minimum lot areas per unit under the City of Winnipeg By-Law 6400/94, a 'RM-4' district would permit a maximum of 781 units on the subject site, whereas a 'RM-3' district would permit a maximum of 625 units. It is important to note that the site could not be fully developed to these intensities owing to land requirements for streets, parking, setbacks, and landscaped areas.Given the need to provide compatible development and an appropriate transition between the existing neighbourhoods and the site, the Planning & Land Use Division recommends that a

'RM-3' Multiple Family Residential district be approved, with a condition restricting the maximum height to 30'of any buildings within 100' of the west and south property lines.

Access and Circulation:

The proposed site is located immediately adjacent to the Leila Avenue right-of-way, while the paved section of Leila Avenue terminates just to the east at Agnes Arnold. The site is currently accessed by Mandalay Drive, which dead ends at the subject property. The proposed development will be responsible for extending Mandalay Drive to Leila Avenue. The location of the site immediately adjacent to a major street alignment is supportive of the concept of multiple family residential development; however, such a development must have a second point of access, and Leila Avenue must be extended to handle traffic flows at build out. Due to the costs associated with extending two lanes of Leila Avenue to Mandalay Drive, the Administration recommends that the extension be done in a phased manner, with no more than 200 units permitted to be constructed on-site until Leila Ave is extended.

It is important to note that without a second point of access and the extension of Leila Avenue, any development proposal to construct multiple-family buildings on-site should be considered premature, and should be rejected. Without a second point of access and the Leila Avenue extension, the site would rely solely on access from Mandalay Drive, and the traffic generated would have an adverse impact on the surrounding neighbourhood.

Site Planning:

The applicant has included a conceptual site plan with their proposed rezoning and subdivision application. The site plan illustrates a total of thirty-six duplex units backing onto the existing detached residential buildings. The proposed duplexes will feature backyards within a minimum rear setback of 25', which is similar to the backyards of the existing residential homes immediately adjacent. The proposed duplexes and the internal street that they face onto serve as an effective transition between the existing single family residents to the west and south, and to the proposed multi-storey buildings along the Leila Avenue right-of-way. A total of six multi-storey buildings are proposed along Leila Avenue, as well as their associated parking areas and a common recreation building. The Planning & Land Use Division does have concerns with the layout of the multi-storey building portion of the proposed site plan, as it consists mainly of building footprints and parking areas. Additional open space and landscape areas are required, and the buildings should be oriented towards meaningful open and common space, not merely parking areas. The Planning & Land Use Divisin recommends that the site plan, landscape plan, photometrics, and building elevations for any development be subject to Schedule "A" plan approval by the Lord Selkirk-West Kildonan Community Committee as part of a zoning agreement.

Summation:

The Planning & Land Use Division supports the concept of a 'multiple family residential' rezoning and development on the subject site, owing to its infill nature and location adjacent to a major street right-of-way; however, the Division has concerns over the intensity and density of development that could occur under the 'RM-5' Multiple Family Residential district requested. Moreover, development of the site under 'RM-5' development standards would not be compatible with the surrounding neighbourhood in terms of density and height, nor would there be an appropriate transition. The Planning & Land Use Division recommends that a 'RM-3' Multiple Family Residential district be approved, with the conditions outlined under the subsequent section.

NEIGHBOURHOOD MEETING:

At its October 5th, 2004 hearing, the Lord-Selkirk Community Committee adjurned this item over neighbourhood concerns about the proposed multiple family rezoning and development. The Community Committee directed the applicant to hold a meeting with the neighbours to discuss their concerns, and that the District Planner be present at the meeting. A meeting was held on October 26th, 2004 at the Phillipino Cultural Center with seventy-one (71) members of the public attending. A variety of concerns and issues were identified by the community, and may be summarized as follows:

- Single family residential homes should be developed on site, not multiple family residential as proposed
- Compatibility, or lack thereof, between the proposed project and the surrounding neighbourhood in terms of density, height, and character of housing
- Traffic impacts in terms of traffic generation by the proposed project, impacts on Mandalay Drive, and impacts on Leila Avenue
- Phasing and timing of Leila Avenue improvements, with many members of the public expressing that Leila Avenue should be improved prior to construction, and have a definitive completion date
- Water, sewer, and drainage issues in the area
- Impacts of proposed project on surrounding property values
- Quality of development in terms of architectural design, site design, landscaping, and potential for monotony of design
- Impact of development on existing overcrowded schools in the area

A vast majority of people present expressed opposition to multiple family development of the site, and expressed their desire to have the site developed as single family residential homes only. Many members of the public also expressed concerns over notification of the neighbourhood meeting, as many stated that they did not receive a meeting notice, or only received the notice on the Thursday or Friday prior to the meeting. No solutions or compromises were reached at the meeting, and it is the opinion of the Planning & Land Use Division that additional meetings or dialogue will not result in a compromise between the applicant and the surrounding neighbourhood.

RECOMMENDATION:

I. That the plan of subdivision proposed under File No. DASZ 22/04 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File No. DASZ 22/04, attached hereto and dated October 26th, 2004, for registration in the Winnipeg Land Titles Office, subject to the following:

   A. That the Developer be required to enter into a Development Agreement with the City containing all the conditions outlined in the report of the Administrative Coordinating Group dated September 22nd, 2004.

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

III. That the Winnipeg Zoning By-Law No. 6400/94 be amended by rezoning the subject land as shown on Schedule "A" for File No. DASZ 22/04, attached hereto and dated October 26th, 2004, to a "RM-3" Multiple Family Residential District, subject to the applicant entering into a Zoning Agreement with the City pursuant to Section 240 (1) of The City of Winnipeg Charter, to include the following conditions:

   A. That all buildings located within one hundred (100') feet of the west and south property lines have a maximum height of thirty (30') feet;

   B. That development within the proposed subdivision shall be restricted to a maximum of two hundred (200) dwelling units until permanent secondary access is available via Leila Avenue or via the extension of Mandalay drive north of Leila Avenue to the satisfaction of the Director of Public Works;

   C. That final construction plans indicating the design and location of the proposed buildings, including elevations and details or exterior finishing materials, accessory parking and loading areas, signage, lighting & photometrics, fencing, landscaping, hardscaping, and garbage enclosures, be subject to the approval of the Lord Selkirk – West Kildonan Community Committee prior to the issuance of a building permit.

IV. 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.

V. That the City Solicitor / Manager of Legal Servicesbe requested to prepare the necessary by-law in accordance with the above.

VI. That the subdivision section of the by-law shall come into force and effect upon execution by the City of Winnipeg of the Development Agreement.

VII. That the zoning section of the by-law shall come into force and effect when the Plan of Subdivision has been registered in the Winnipeg Land Titles Office, and the Zoning Agreement has been filed by caveat as a first charge in the Winnipeg Land Titles Office against those lands **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.**

VIII. The Plan of Subdivision shall be approved and signed by the Director of Planning, Property and Development within two (2) years of the date of passage of the aforementioned by-law.

IX. In the event that the necessary City of Winnipeg mylar approval signatures have not been secured within 24 months after adoption of the by-law, the matter shall be deemed to be concluded and shall not be proceeded with unless Council extends that time.

Yours truly,

C. Knoll
Manager of Planning and Land Use

_____

Per: David Marsh AICP, Planner
986-5549

By-Law No. _____

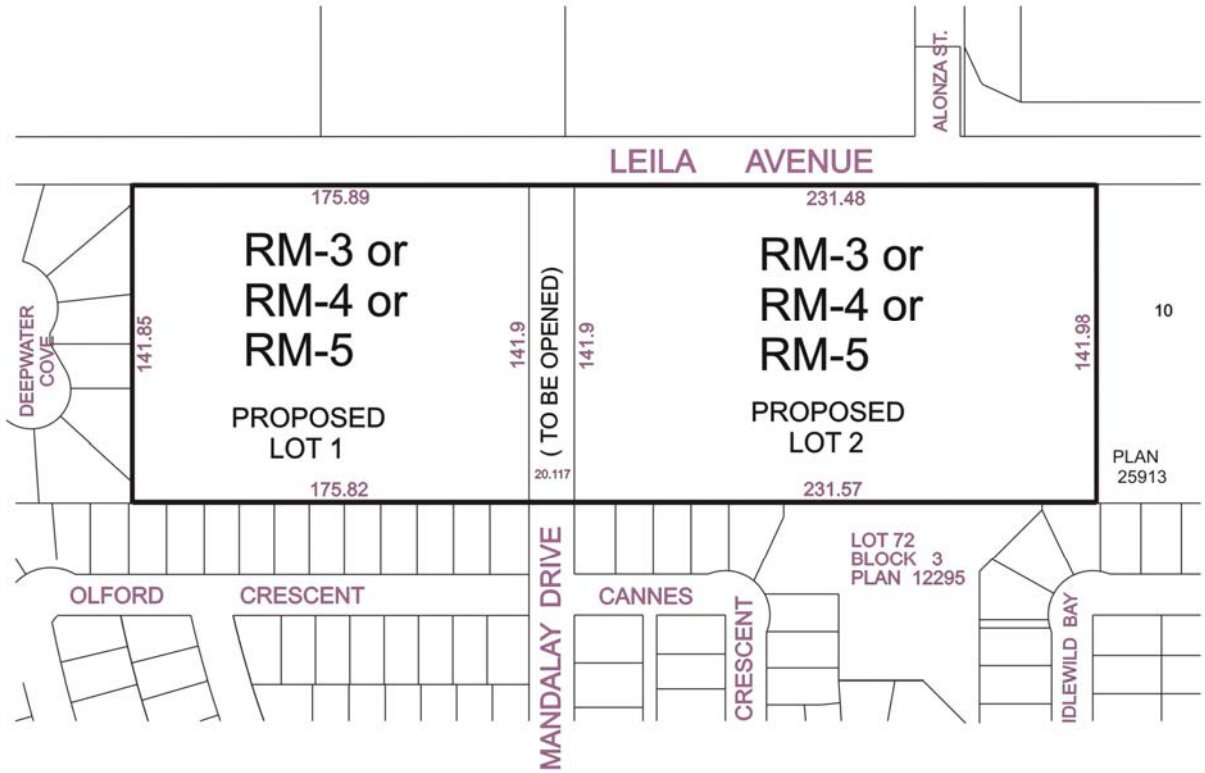
File No. **DASZ 22/04**

Atlas Sheet No. **R22**

LORD SELKIRK WEST KILDONAN COMMUNITY

Explanation

An application for the approval of the plan of subdivision shown outlined below and for a proposed zoning change to By-law No. 6400/94 by rezoning the land located on the south side of Leila Avenue west of Agnes Arnold Street from an "A.5" AGRICULTURAL DISTRICT to an "RM-5" MULTIPLE-FAMILY DISTRICT as shown outlined below.



Schedule "A" for File No. DASZ 22/04, Lord Selkirk – West Kildonan Community, dated October 26/04

THIRD READING : _____ EFFECTIVE DATE : _____

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No. _____

Exhibit "7" referred to in File DASZ 22/2004

Re: Proposed subdivision and rezoning of land located on the south side of Leila Avenue at the northern terminus of Mandalay Drive – DASZ 22/04

An application has been submitted by Kris Sidhu to subdivide and rezone land located on the south side of Leila Avenue at the northern terminus of Mandalay Drive.

It is recommended that the applicant amend the plan as follows:

1. By shifting the proposed Mandalay Drive right-of-way easterly so that the west limit of the right-of-way coincides with the east limit of Lot 2, Plan 4060, a former City landfill site, and
2. By widening the proposed Mandalay Drive right-of-way to 24m.

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

1. a) The Developer shall install watermains as follows:

    i) a 250mm watermain in the proposed extension of Mandalay Drive from its present terminus to Leila Avenue,
    ii) a 250mm watermain in Leila Avenue from the proposed extension of Mandalay Drive to Dunham Street, and
    iii) a 300mm watermain in Leila Avenue from the proposed Mandalay Drive extension easterly to the existing watermain west of Agnes Arnold Drive, all to the satisfaction of the Director of Water and Waste.

    b) The City shall reimburse the Developer for that portion of the cost of the watermains benefiting privately-owned lands when the City collects through subsequent development agreements and/or through the enactment of Local Improvement by-laws. The City shall reimburse the Developer for the cost of oversizing the 300mm watermain on the basis of the difference in the cost of constructing a 300mm watermain versus a 250mm as determined by the Director of Water and Waste.

2. a) The Developer shall, at no expense to the City, install wastewater sewers and land drainage sewers required to serve the proposed subdivision to the satisfaction of the Director of Water and Waste.

    b) The Developer shall pay the Leila Trunk User Charge ($938.00/acre).

3. The Developer shall, at no expense to the City, construct portland cement concrete pavement to a width of 10.0m, by 200mm in thickness in the extension of Mandalay Drive between its existing terminus approximately 30m north of Olford Crescent and Leila Avenue, and all related works including, but not necessarily limited to sidewalks on both sides of Mandalay Drive, street lighting, boulevard landscaping and land drainage sewer all as determined by and to the satisfaction of the Director of Public Works.

4. The Developer shall, at no expense to the City, construct a cul-de-sac type vehicle turnaround at the terminus of the temporarily dead-ended Mandalay Drive and provide any right-of-way or easements necessary to accommodate same, all as determined by and to the satisfaction of the Director of Public Works.

5. The Developer shall, at no expense to the City, erect and maintain barricades and signing across the full width of the temporarily dead-ended Mandalay Drive, immediately upon completion of the concrete pavement as determined by and to the satisfaction of the Director of Public Works.

6. Development within the proposed subdivision shall be restricted to a maximum of 200 dwelling units until permanent secondary access is available via Leila Avenue or via the extension of Mandalay Drive north of Leila Avenue to the satisfaction of the Director of Public Works.

7. The Developer shall pay to the City, in cash on demand, its share of the cost of the following services to be installed in Leila Avenue along the full length of the subject property abutting Leila Avenue:

   i) a 4.0m in width by 200mm in thickness portland cement concrete lane of pavement and all related works;
   ii) a 1.5m in width by 100mm in thickness portland cement concrete sidewalk;
   iii) street lighting in the south boulevard;
   iv) landscaping in the south boulevard;

   all as determined by the Director of Public Works.

8. The Developer shall, at no expense to the City, cause underground electrical and telephone services to be installed to serve the proposed subdivision to the satisfaction of the Director of Public Works.

9. The Developer shall pay all costs associated with the relocation of streetlights and other utilities made necessary as a result of or required to accommodate works, which are to be constructed by the Developer to serve the proposed subdivision, as determined by and to the satisfaction of the Director of Public Works.

10. The Developer shall, at no expense to the City, 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 houses, until 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 action and assuming all costs in remedying the situation to the satisfaction of the Director of Public Works.

11. The Developer shall, at no expense to the City, ensure that construction traffic uses 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 condition, free of dropped and tracked-on mud, and shall undertake regular cleaning of streets until building construction, including landscaping is complete, all as determined by and to the satisfaction of the Director of Public Works.

12. The Developer shall, at no expense to the City, cause to be installed standard reflectorized permanent street name signs at the new street intersection being created as a result of the subdivision.

13. The Developer shall pay cash in lieu of dedication of land for public open space including landscaping and services in accordance with City policy.

14. The Developer shall pay $1,200.00 per acre to defray the City's administration and related costs associated with the preparation and implementation of the development agreement.

15. The Developer shall pay the full cost of engineering services provided by or on behalf of the City with respect to the installation of all services required to serve the proposed subdivision.

THIS REPORT SUBMITTED BY:

Administrative Coordinating Group
File No. AG 22/04
September 22, 2004
ELC/ld

"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