Agenda – Council - January 26, 2005

Report - Standing Policy Committee on Property and Development - January 10, 2005

Item No. 4 Rezoning - vacant land north of Forestgate Avenue, west of Lindenwood Drive West
File DAZ 258/2004

STANDING COMMITTEE RECOMMENDATION:

On January 10, 2005, the Standing Policy Committee on Property and Development did not concur in the recommendation of the City Centre Community Committee and submitted 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 258/2004 dated November 8, 2004, to a "RM-L" Multiple-family Residential District, subject to the following:

    A. 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 the number of dwelling units be limited to 42.

        ii. That, prior to the issuance of a development permit, plans showing the site layout, access, parking, building elevations and materials, signage, exterior lighting, fencing, and landscaping, be submitted for the approval of the City Centre Community Committee.

2. 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 the twenty-four (24) month period and the extension is subsequently approved by Council.

3. 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.

4. 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.

Report - Standing Policy Committee on Property and Development - January 10, 2005

STANDING COMMITTEE RECOMMENDATION (continued)

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

6. 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.

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On January 19, 2005, the Executive Policy Committee did not concur in the recommendation of the Standing Policy Committee on Property and Development.

Report - Standing Policy Committee on Property and Development - January 10, 2005

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On January 19, 2005, the Executive Policy Committee did not concur in the recommendation of the Standing Policy Committee on Property and Development and submitted the matter to Council.

STANDING COMMITTEE RECOMMENDATION:

On January 10, 2005, the Standing Policy Committee on Property and Development did not concur in the recommendation of the City Centre Community Committee and concurred in the administrative recommendation with the following amendment:

- Recommendation 4:
  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 December 14, 2004, the City Centre Community Committee did not concur in the administrative recommendation and recommended to the Standing Policy Committee on Property and Development that the application for rezoning under File DAZ 258/2004 not be proceeded with.

On November 16, 2004, the City Centre Community Committee did not hear any representations on the application and adjourned the public hearing to its meeting on December 14, 2004.

RE: **Rezoning - vacant land north of Forestgate Avenue, west of Lindenwood Drive West**
File DAZ 258/2004

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

Prepared by: **Josie Marques, Clerk,**
City Centre Community Committee

Report date: **December 17, 2004**

COMMUNITY COMMITTEE RECOMMENDATION:

On December 14, 2004, The City Centre Community Committee did not concur in the administrative recommendation and recommends to the Standing Policy Committee on Property and Development that the application for rezoning under File DAZ 258/2004 not be proceeded with.

The City Centre Community Committee provided the following supporting reasons for its recommendation:

1. That at the community meeting process there was no opportunity for direct dialogue.

2. That the scale of investment the existing homeowners had made was with an assumption that the development would be for single family homes.

3. That the arguments made by persons in opposition were persuasive.

PUBLIC HEARING SUMMARY

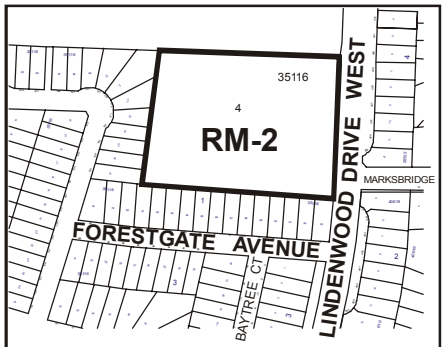
File: **File DAZ 258/2004**

Before: City Centre Community Committee
Councillor Smith, Chairperson
Councillor Benham
Councillor Gerbasi

Public Hearing: December 14, 2004
Council Chamber, 510 Main Street
November 16, 2004
Council Building, 510 Main Street

Applicant: Genstar Development Company (Greg V. Jasper)

Subject:



APPLICANT : GENSTAR DEVELOPMENT COMPANY
FILE : DAZ 258/04
PROPOSAL : To rezone the land shown outlined above from a "PR1" PARKS AND RECREATION DISTRICT to an "RM-2" MULTIPLE-FAMILY DISTRICT. **For information, phone Mr. R. Mitchell, Planner at 986-5017.**

Premises Affected: vacant land north of Forestgate Avenue, west of Lindenwood Drive West

Exhibits Filed:

1. Application dated October 1, 2004
2. Notification of Public Hearing dated October 14, 2004
3. Title Search 1697205
4. Extract of Atlas Sheet AG20
5. Plans (3 pages)
6. Report from the Manager of Planning and Land Use dated November 8, 2004
7. Inspection Report
8. Communication dated November 15, 2004, from Dirk Stubbings in opposition to the application
9. Communication dated November 15, 2004, from Bruce E. Griffith in opposition to the application
10. Communication dated November 15, 2004, from James Clements in opposition to the application
11. Communication dated November 24, 2004, from Ruth and Dennis Clarkson in opposition to the application
12. Presentation submitted by Larry Dolmer at the public hearing.
13. Petition in opposition to the application purporting to contain the signatures of 200 residents, submitted by Larry Dolmer at the public hearing

REPRESENTATIONS:

In Support:

Julie Bubnick
George Daterra
Menno Friesen
David Gurvey
Greg Jasper, Genstar Development Company
Jerry Klein, Genstar Development Company
Mohinder Nijjar

In Opposition

Kevin Adam
Pablo G. Batista
Tim Benna
Walter and Karen Berg
Julio and Jessica Berzenki
Paul Betts

Brenda and Grant Boak
Tamara Brown
Adam Burgener
Syd and Karen Church
James Clements
Jerrod and Tyeba Cox
Roger Debusschere
Larry Dolmer
Ian and Linda Duncan
Pablo Batista Garcia
Mr. and Mrs. Carlos Godinez
Bruce E. Griffith
Conchita and Chun Kiat Hao
Mark Hart
Dan and Katrina Hotel
Baldev and Sambodh Kapoor
Megan Kelly
Ernie Kreker
Ioan and Angela Lacobciuc
Jack Lazareck
Keung Lee
Francis Locke
Mike McKee
Darlene and Bruce McMillan
Dave and Nim Nagasaka
Keith and Kathy Penhall
Linda C.L. Reis
Brian Russell
Gennaro Scerbo
Lyn and John Shupeniuk
Sharon Smith
Robert Stefaniuk
Dirk Stubbings
Dave Timlick
Phyllis and Robert Van Drunen
Ken Wasyliw
Robert Wiebe and Rosalind Robb
Ken Zushman

For Information:

Shannon Timlick

For the City:

Mr. R. Mitchell, Senior Planner, Planning, Property and Development Department

SUMMARIZATION OF REPRESENTATIONS AND SUBMISSIONS
MADE AT THE PUBLIC HEARING

The applicants, Greg Jasper and Jerry Klein , Genstar Development Company, appeared in support of the application and gave a brief overview of the proposal. Mr. Jasper sated that an information open house had been held for the area residents and the strong issues that arouse were the expectation that site was to be a school or park and the density of development. Mr. Jasper also stated that the school board was not interested in developing the site, that excess of parkland was being provided in excess of what was required, and that the development was half the density that was allowed. Jerry Klein stated that there was a high demand within community for this type of development and that it addressed the city's concerns and ideologies for infill development. Mr. Klein also stated that the development was comparable to the homes in the area. Mr. Klein further stated that the set backs were increased adding green space and that the development was leading edge architecture and design adding value to the neighbourhood.

Julie Bubnick appeared in support of application. Ms Bubnick stated she had lived in neighbourhood since 1990 and had not supported all developments proposed in the area. Ms Bubnick further stated that the development of a school was not going to happen, nor additional space for the community centre, and that the next best option was this development.

David Gurvey appeared in support of the application. Mr. Gurvey stated that many of the concerns he had heard would have also been created by the development of a school. Mr. Gurvey further stated that he welcomed this development to the neighbourhood.

Larry Dolmer appeared in opposition to the application. Mr. Dolmer stated that he was representing the concerns of many people in opposition to the development and asked for a show of hands of those in attendance. Mr. Dolmer read into the record a written presentation which has been placed on file as Exhibit 12.

Pablo Batista Garcia appeared in opposition to the application. Mr. Garcia stated concerns that the open house held by the applicants did not provide an opportunity for exchange of ideas.

Keith Penhall appeared in opposition to the application. Mr. Penhall stated environmental concerns with the displacement of wild life in the proposal site..

Dave Timlick appeared in opposition to the application. Mr. Timlick stated that the expectation for the site had been for a school or a park, and in the worst case scenario, single family homes. Mr. Timlick stated concerns with property values as the development was not compatible to the area.

Jack Lazareck appeared in opposition to the application. Mr. Lazareck stated concerns with his home directly facing a fence, parking issues, and the development not looking like the existing homes in the area.

Rosalind Robb appeared in opposition to the application. Ms Robb stated the existing site had become a tall grass prairie land. Ms Robb also stated that she purchased an expensive home with the expectation that the site in question was going to be a school, park, or single-family dwellings.

Sharon Smith appeared in opposition to the application. Ms Smith stated that when she bought her home there were plans single-family homes on the site. Ms Smith also stated that there were already a lot of condo developments in the area. Ms Smith further stated that the proposed development was incongruent with neighbourhood.

In rebuttal, Greg Jasper stated that the zoning allowed for larger number of homes than the 42 in their application. Mr. Jasper also stated that the site was not an animal refuge, that it was a high-end low-density development adding value to the area. Jerry Klein stated that he was a recent resident in the area, that the development was appropriate and well planned to keep the city's development philosophies, that it was designed to meet the needs in the community, and that changes had been made in consultation with the area residents.

Exhibit "6" referred to in File DAZ 258/2004

In reply please refer to / Référence à rappeler :

Ross Mitchell
(204) 986-5017
Fax / Téléc. : (204) 986-7524

File No. DAZ 258/04
Our c/f CP 500 (. 634)

November 8, 2004

Ms. Josie Marques, Clerk
City Centre Community Committee
Council Building
510 Main Street
Winnipeg, MB R3B 1B9

Dear Ms. Marques:

REZONING
Location: Surplus school site located west of Lindenwood Drive West, north of Forestgate Avenue.
City Centre Community Committee
File No. DAZ 258/04

An application has been received from Genstar Development Corporation (Greg Jasper), to amend By-Law No. 6400/94 by rezoning the land shown below from a "PR-1" Parks and Recreation District to a "RM-2" Multiple-family Residential District to allow for the construction of 42 semi-attached condominium units.

RELATED FILES: The project is currently being reviewed for possible zoning variances.



5058

SITE DESCRIPTION:

Site Area: Approximately 5 acres.

Existing Land Use and Zoning: Vacant school site zoned "PR-1" Parks and Recreation District.

Surrounding Land Use and Zoning:

North: Victoria-Lindenwoods Community Club, zoned "A" Agricultural District.
South: Single-family housing zoned "R1-4" Single-family Residential District.
East: Single-family housing zoned "R1-5" Single-family Residential District.
West: Single-family housing zoned "R1-4" Single-family Residential District.

DEVELOPMENT DESCRIPTION:

The property was originally planned for a public school site and zoned accordingly. Genstar has retained ownership of the lands and was advised by the Assiniboine South School Division that they would not be requiring the site based on their enrolment projections. The applicant is now in the process of selling the property to a local house builder, Randall Homes, who is proposing to construct 42 semi-detached condominium dwellings on the site (21 individual buildings). Access to the development would be from Lindenwood Drive West. The on-site roadway would be a private roadway with a pavement width of 25 feet, typical of public residential streets that allow for parking one side.

Development Density: The applicant has applied for "RM-2" zoning. This zoning is typically applied to apartment developments, and permits building heights of 35 feet and dwelling densities of 1 unit per 1,250 square feet of lot area. On this basis, the developer could locate 174 apartment units on the site. This is not the developer's intention, as the proposed site plan shows 42 semi-detached condominium units. The proposed development could be accommodated within the "RM-L" zoning district which is the lowest density, multiple-family residential zone typically applied to town house developments. The "RM-L" zoning district permits a building height of 30 feet and a dwelling density of 1 unit for every 2,500 square feet of lot area. On this basis, the developer could put 87 dwelling units on the subject site, still well in excess of the current proposal of 42 units.

To put the proposed development density into perspective, the 42 units would translate to approximately 1 dwelling unit per 4,150 square feet of lot area (assuming roadways amount to 20% of lot area). This compares to the typical, one-family lot of 4,400 square feet for a 40' by 110' lot, or 5,500 square feet for a larger, 50' by 110' lot. On this basis, the proposed density is in line with the "R1-4" housing to the south and west.

Building Setbacks and Yards: While the site layout gives the appearance of a typical semi-detached housing neighbourhood, as a condominium project, the development is not subject to the same bulk regulations as one-family or two-family dwellings on separate lots. Instead, the buildings in multiple-family zoning districts are subject to separation distances based on a

calculation of wall heights and lengths and the presence or absence of windows to habitable rooms. The usual yard allowances still apply, however, to the overall site. Hence, the front yard is taken as facing Lindenwood Drive West, the north side yard is against the Community Club, the south side yard is against the dwellings fronting Forestgate, and the rear yard is against the houses fronting Deer Run to the west. The proposed site plan shows yards equal to or greater than single-family or two-family housing on individual lots.

Fencing and Landscaping: The applicant will construct an ornamental wooden fence along Lindenwood Drive West. The house builder would be responsible for the remaining perimeter fencing as well as site landscaping. If the rezoning is approved, a fencing and landscaping plan will have to be submitted for Community Committee approval prior to the issuance of a development permit.

PLAN WINNIPEG:

The application complies with Plan Winnipeg, which supports infill development that is compatible with the neighbourhood.

ADMINISTRATIVE COMMENTS:

The Division is prepared to support the lands being rezoned to "RM-L", as opposed to the "RM-2" being applied for. The Division is of the opinion that the proposed development is appropriate for the following reasons:

- The dwelling density is compatible with the area, similar to the "R1-4" housing to the south and west.
- The building setbacks from adjacent property lines are consistent with single-family housing.
- The semi-detached units are designed to have the appearance of large single-family dwellings. The elevation drawings show 3 distinct building designs with 8 one-storey buildings and 13 two-storey buildings, ensuring variety in terms of rooflines, building elevations and materials, and window treatments.
- The project will be fenced and landscaped at the time of construction. Condominiums are generally constructed with a higher standard of fencing and landscaping, and the condominium ownership ensures a higher standard of property maintenance overall.
- Parking is more than adequate. Each unit provides garage parking for 2 vehicles, for a total of 84 stalls exclusive of street parking. This exceeds the "RM-L" requirement of 63 stalls including 7 visitor stalls.
- The double cul-de-sac layout serves to increase the building separation from the rear lot lines of properties fronting Forestgate and reduces the number of units backing onto the houses fronting Forestgate.
- The site has been deemed surplus to the school board's requirements and the City is not prepared to develop the site for parkland. And, in certain respects, a school is a less desirable neighbour in view of the traffic and activity they generate.

- The proposed dwelling units will be upper-end units in terms of marketing and, in the opinion of the Division, will not decrease property values in the area.

RECOMMENDATION:

I. That The Winnipeg Zoning By-law 6400/94 be amended by rezoning the subject land as shown on Schedule "A", for file DAZ 258/04, attached hereto and dated, November 8, 2004, to a "RM-L" Multiple-family Residential District, subject to the following:

A. 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:

iii. That the number of dwelling units be limited to 42.

iv. That, prior to the issuance of a development permit, plans showing the site layout, access, parking, building elevations and materials, signage, exterior lighting, fencing, and landscaping, be submitted for the approval of the City Centre Community Committee.

II. 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.

III. 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.

IV. 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.

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

VI. 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.

Sincerely,

C. Knoll
Manager of Planning and Land Use

Per: Ross Mitchell, Senior Planner
(City Centre Community)
986-5017



Figure 1: Air photo of site and area.

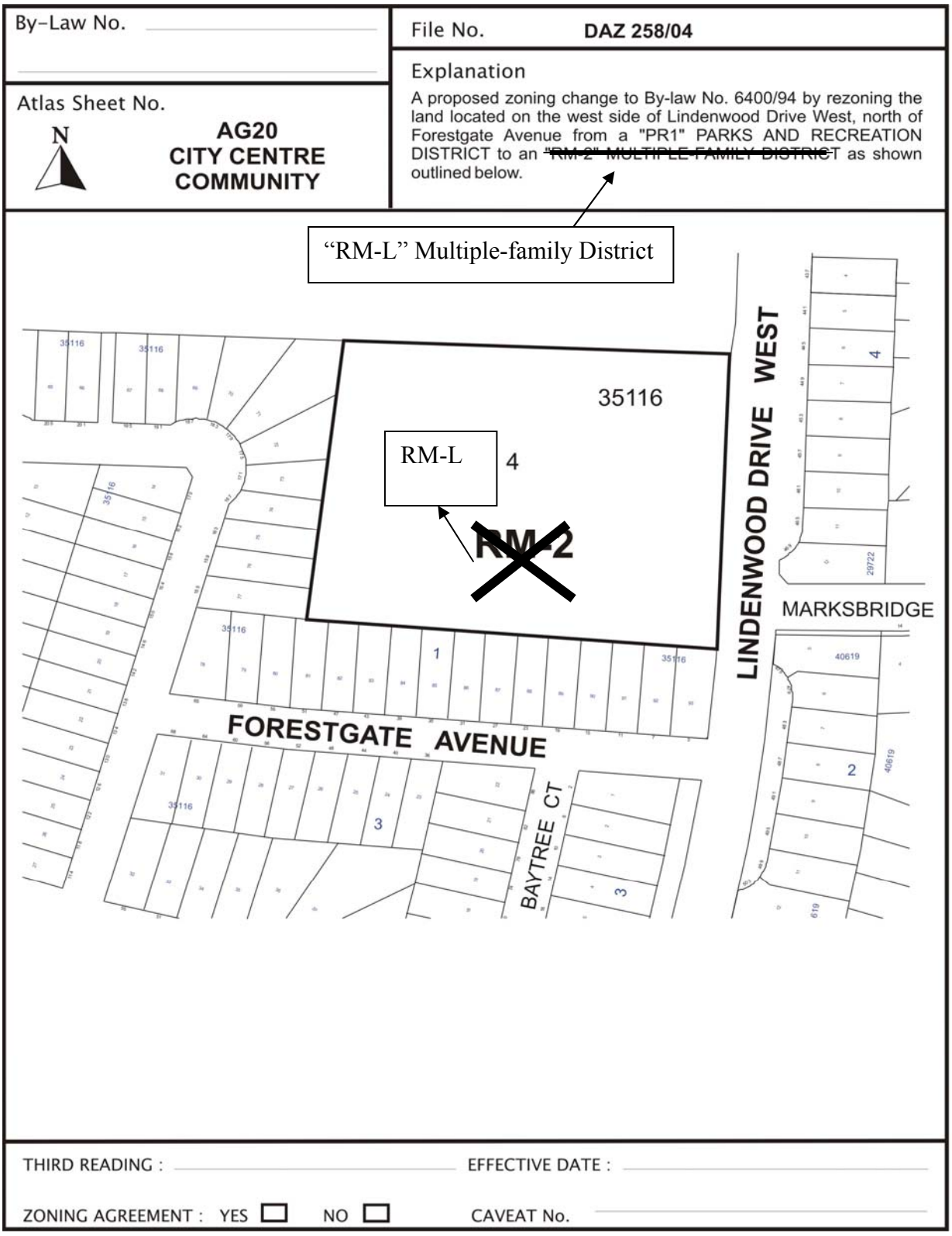


Figure 2: Schedule "A" to the report to the City Centre Community Committee for File No. DAZ 258/04, dated November 8, 2004.