Agenda - Council - March 23, 2005

Report - Standing Policy Committee on Property and Development - March 7, 2005

Item No. 12 Rezoning - 1884 McGillivray Boulevard
File DAZ 269/2004

STANDING COMMITTEE RECOMMENDATION:

On March 16, 2005, the Executive Policy Committee concurred in the recommendations of the Standing Policy Committee on Property and Development and the City Centre Community Committee 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 269/2004 dated December 16, 2004, to a "RM-5" Multiple-Family 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 prior to the issuance of a development permit, plans be submitted for approval of the City Centre Community Committee showing site layout, access, parking, building elevations, exterior colours and materials, building floor plans, garbage enclosures, fencing, landscaping, signage and site lighting.
      ii. That the building be limited to six (6) storeys in height.
      iii. That the density not exceed a total of 72 units on the site.
      iv. That the north front yard (McGillivray Boulevard) be a minimum of 32.80 feet (10 metres).

2. That the developer be required to enter into Servicing Agreement AG 269/2004 in accordance with the Administrative Coordinating Group's report dated December 21, 2004.

3. That a ten percent (10%) dedication be made by a payment of a sum of money to the City in lieu of the requirement for land dedication based on the increase in the market value of the land.

4. 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.

Report - Standing Policy Committee on Property and Development - March 7, 2005

5. 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.

6. 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.

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

8. 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 - March 7, 2005

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On March 16, 2005, the Executive Policy Committee concurred in the recommendations of the Standing Policy Committee on Property and Development and the City Centre Community Committee and submitted the matter to Council.

STANDING COMMITTEE RECOMMENDATION:

On March 7, 2005, the Standing Policy Committee on Property and Development concurred in the recommendation of the City Centre Community Committee and submitted the matter to the Executive Policy Committee and Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On February 1, 2005, the City Centre Community Committee concurred in the administrative recommendation and submitted its recommendation to the Standing Policy Committee on Property and Development.

On January 4, 2005, the City Centre Community Committee adjourned the public hearing to its meeting on February 1, 2005.

RE: **Rezoning - 1884 McGillivray Boulevard**
File DAZ 269/2004

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

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

Report date: **February 3, 2005**

COMMUNITY COMMITTEE RECOMMENDATION:

On February 1, 2005, the City Centre 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 No. 6400/94 be amended by rezoning the subject land as shown on Schedule "A", for file DAZ 269/2004, dated December 16, 2004, to a "RM-5" Multiple-Family 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 prior to the issuance of a development permit, plans be submitted for approval of the City Centre Community Committee showing site layout, access, parking, building elevations, exterior colours and materials, building floor plans, garbage enclosures, fencing, landscaping, signage and site lighting.
        ii. That the building be limited to six (6) storeys in height.
        iii. That the density not exceed a total of 72 units on the site.
        iv. That the north front yard (McGillivray Boulevard) be a minimum of 32.80 feet (10 metres).

2. That the developer be required to enter into Servicing Agreement AG 269/2004 in accordance with the Administrative Coordinating Group's report dated December 21, 2004.

3. That a ten percent (10%) dedication be made by a payment of a sum of money to the City in lieu of the requirement for land dedication based on the increase in the market value of the land.

4. 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.

5. 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.

6. 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.

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

8. 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 City Centre Community Committee provided the following supporting reason(s) for its recommendation:

1. The City Centre Community Committee agreed with the administrative comments contained in the report of the Manager of Planning and Land Use dated December 16, 2004 and in the report from the Administrative Coordinating Group dated December 21, 2004.

2. The opposition was reasonable in asking to limit the height of the building to 3 storeys, but the subject parcel of land is a small area in a huge block of uninterrupted land already zoned “RM-5” Multiple-Family District.

3. The proposal is a reasonable request from the applicant.

PUBLIC HEARING SUMMARY

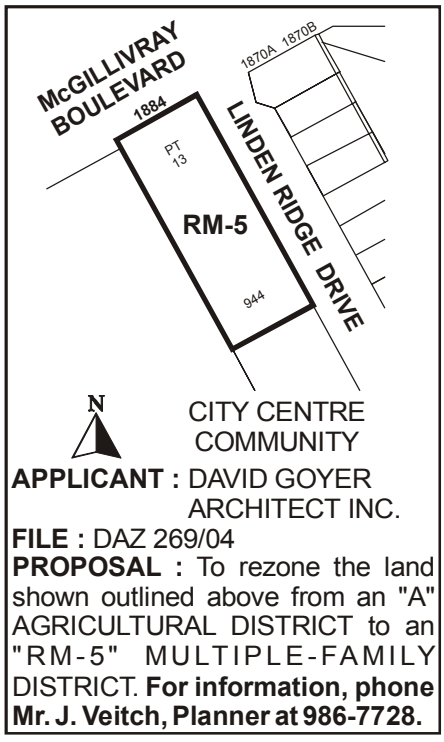
File: DAZ 269 /2004

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

Public Hearing: January 4, 2005
February 1, 2005
West Committee Room, Council Building, 510 Main Street

Applicant: David Goyer Architect Inc. (Daniel Serhel)

Subject:



Premises Affected: 1884 McGillivray Boulevard

Exhibits Filed:
1. Application dated November 25, 2004
2. Notification of Public Hearing dated December 7, 2004
3. Manitoba Status of Title 1350730
4. Surveyor's Building Location Certificate and sketch

5. Letter of authorization dated October 7, 2004, from Leo Eugene O'Neill to David Goyer.
6. Plans (2 pages)
7. Report from the Manager of Planning and Land Use dated December 16, 2004
8. Report from the Administrative Coordinating Group dated December 21, 2004
9. Inspection Report
10. Communication dated January 31, 2005, from Elizabeth Will in opposition to the application.

REPRESENTATIONS:

In Support:

Daniel Serhel, David Goyer Architect Inc.
Dale Melanson
Vince Spezzano

In Opposition

Wendy and Keith Auld
Gordon Darylchuk
Robert Hanwell
Peter Loewen
Mike Ludwick
Bob Matias
Elizabeth Will

For Information:

Jason Arlt

For the City:

Mr. J. Veitch, Planner, Planning, Property and Development Department

SUMMARIZATION OF REPRESENTATIONS AND SUBMISSIONS
MADE AT THE PUBLIC HEARING

January 4, 2005

The applicant, Daniel Serhel, accompanied by David Goyer Architect Inc., appeared in support of the application and requested an adjournment to the February 1, 2005, City Centre Community Committee meeting.

February 1, 2005

The applicant, Daniel Serhal, accompanied by David Goyer, appeared in support of the application and gave a brief overview of the proposal. In response to the Committee's questions Mr. Goyer stated that the average cost per condo would be approximately $200,000.00 with underground parking.

Robert Hanwell appeared in opposition to the application. Mr. Hanwell stated he lived directly across from the proposed development. He also stated that he was not opposed to a multiple-family rezoning, but had concerns with the height of the proposed building and how it would impact the site lines, re-sale value of his home, and not having full knowledge of plans.

Bob Matias appeared in opposition to the application. Mr. Matias stated concerns with the development not being compatible with the single family homes in the area, that it would provide an unattractive view for existing homes and restrict sunlight. Mr. Matias also stated the need to retain the mature trees in the area.

Mike Ludwich appeared in opposition to the application. Mr. Ludwich stated he was a resident in the area and reiterated the previous concerns.

Peter Loewen appeared in opposition to the application. Mr. Loewen reiterated the previous concerns.

Keith Auld appeared in opposition to the application. Mr. Auld stated concerns with traffic and the height of building.

Gordon Darylchuk appeared in opposition to the application. Mr. Darylchuk stated concerns with the height of the proposed building.

Jason Haven appeared for information. Mr. Haven stated concerns with the height of the building. He also stated that a condo development was fine with adequate landscaping.

In rebuttal, Mr. Goyer stated that the "RM-5" Multiple-Family District zoning already existed in the remainder of the block and only this small portion was not. He also stated that reducing the building to 3 storeys would impact the development. He further stated the development provided adequate parking and that the setback would be more than sufficient.

Exhibit "7" referred to in File DAZ 269/2004

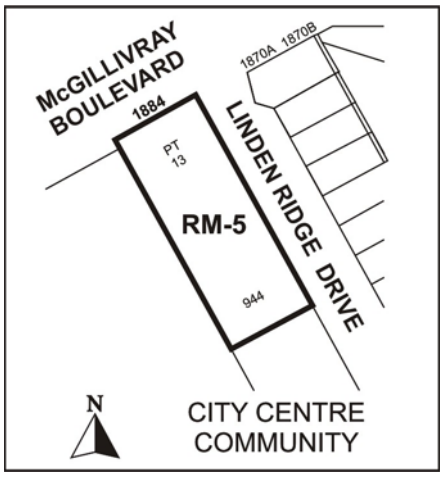
Winnipeg

Planning, Property and Development Department Report

To the City Centre Community Committee

Date: December 16, 2004
File: DAZ 269/04
Related Files: N/A
Subject: 1884 McGillivray Boulevard

Location: 1884 McGillivray Boulevard
Legal Description: N 393 ft., Perp. of Lot 13, Block 'C', Plan 944 WLTO in RL 31 to 35, Parish of St. Vital and in RL 1 and 2 Parish of St. Boniface



Applicant: David Goyer Architect Inc.
Owner: Leo Eugene O'Neill

Recommendation: Approval with Conditions

Site Description

Site Area

The subject site is approximately 1.35 acres, (58,950 square feet). A rectangular parcel with 150 foot frontage on the south side of McGillivray Boulevard and 393 foot flankage along the west side of Linden Ridge Drive.

The Department of Transportation requires a 16.4-foot (5.0 metre) widening to the McGillivray Boulevard right-of-way along the full length of the subject property abutting McGillivray Boulevard. In addition to the 16.4 foot widening, the Department of Transportation requires a right-of-way corner cut measuring 72.178 feet (22 metres) along Linden Ridge Drive by 22.965 feet (7 metres) along McGillivray Boulevard in the southwest corner of the intersection of Linden Ridge Drive and McGillivray Boulevard.

Existing Land Use and Zoning

The subject site is currently zoned 'A' Agricultural and is occupied by a single detached dwelling with a garage and barn.

Surrounding Land Use and Zoning

North: McGillivray Boulevard then 'R5.5' Residential (Single Family)
South: 'RM-5' Residential then Falcon Ridge Drive
East: Linden Ridge Drive then 'R1-4' Residential
West: 'RM-5' Residential (Sharon Home property)

Description of the Proposed Development

The proposal is to demolish the existing house, garage and barn and develop the site with a 5-storey, 70-unit condominium. The building will be approximately 55 feet in height, with balconies and a flat roof. The developer intends to provide 105 parking stalls, 71 enclosed underground and 34 exterior surface with 7 visitor stalls.

Analysis

The subject property is designated 'Neighbourhood' in Plan Winnipeg 2020 permitting higher density re-zonings. As well, the development is consistent with several policies such as 3A-01 Promote Orderly Development ii) providing a residential mix in Neighbourhood designated areas and 3A-02 Promote Compact Urban Form, iv) encouraging infilling of vacant lands

The context is characterized by a mix of residential uses such as single family, a senior's residence and condominiums, within close proximity to significant commercial development located along Kenaston Boulevard.

The site measures 58, 950 square feet. The proposed 'RM-5' zoning permits a density of one unit for every 600 square feet with a maximum height of 70 feet, on the subject site this would allow for a total density of 98 units. Based on discussions with the applicant and the submitted drawing they anticipate a total of 70 units, (1 unit per 842 square feet) with a total height of approximately 55 feet, (5-storeys).

The Transportation Division reviewed the application and has provided several recommendations regarding the applicant's responsibilities in terms of street widening, corner cuts, cost for services, (proposed and previously installed), construction, yard requirements and sound attenuation. This memorandum was faxed to the applicant for their records.

The Division contacted Mr. David Sharpe of Linden Ridge Estates and Ms. Sandra Delorme, President and CEO of the Sharon Home to discuss the proposed development and to elicit any comments or concerns.

Recommendation

The Planning and Land Use Division recommends approval for the following reasons:

- it is consistent with Plan Winnipeg
- it is compatible with the area context

Recommended Conditions of Approval

I. That The Winnipeg Zoning By-law 6400/94 be amended by rezoning the subject land as shown on Schedule "A", for file DAZ /04, attached hereto and dated December 16, 2004, to a "RM-5" 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:

1. That, prior to the issuance of a development permit, plans be submitted for approval of the City Centre Community Committee showing site layout, access, parking, building elevations, exterior colours and materials, building floor plans, garbage enclosures, fencing, landscaping, signage and site lighting.
2. The building be limited to 6 storeys in height.
3. Density not to exceed a total of 72 units on the site.
4. The north front yard (McGillivray Blvd.) be a minimum of 32.80 feet, (10 metres).

II. That the developer be required to enter into Servicing Agreement AG 269/04 in accordance with the Administrative Coordinating Group's report dated December 21, 2004.

III. That a ten (10) per cent dedication be made by a payment of a sum of money to the City in lieu of the requirement for land dedication based on the increase in the market value of the land.

IV. 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.

V. 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.

VI. 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.

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

VIII. 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.

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

Report Prepared by: James Veitch Planner, CSLA (City Centre)
PPD File # DAZ 269/04

Schedule "A"

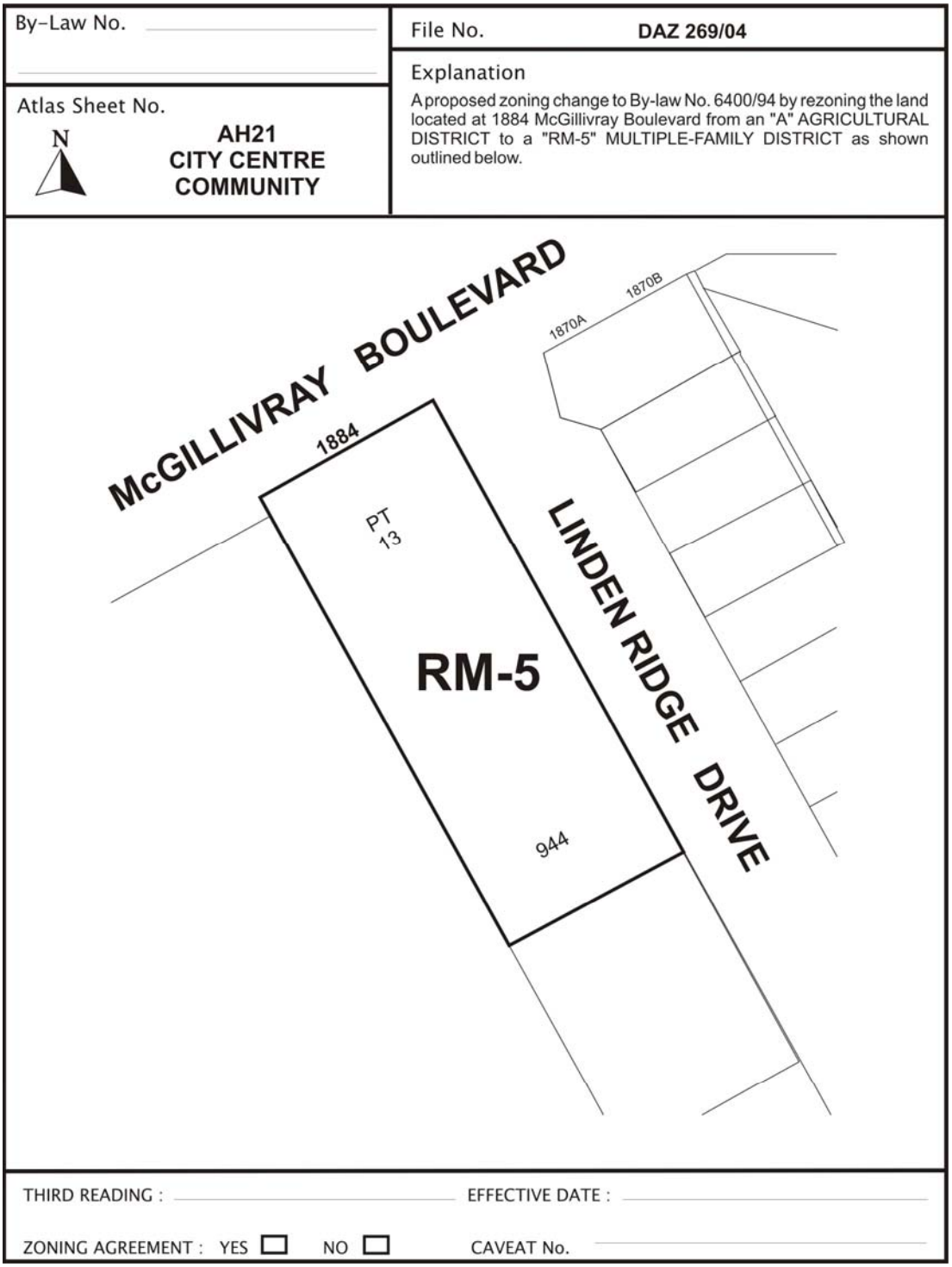


Figure 1: Schedule "A" to the report to the City Centre Community Committee for File No. DAZ 269/04, dated December 16, 2004.

Exhibit “8” referred to in File DAZ 269/2004

Re: Proposed rezoning of land located at the southwest corner of McGillivray Boulevard and Linden Ridge Drive – DAZ 269/04

FOR SUBMISSION TO THE CHAIRPERSON AND MEMBERS OF THE CITY CENTRE COMMUNITY COMMITTEE

"Original signed by E.L. Carrière"
E.L. Carrière
Chairman
Administrative Coordinating Group

December 21, 2004

Re: Proposed rezoning of land located at the southwest corner of McGillivray Boulevard and Linden Ridge Drive – DAZ 269/04

An application has been submitted by David Goyer Architect Inc. to rezone land located at the southwest corner of McGillivray Boulevard and Linden Ridge Drive.

It is recommended that the Developer, at no expense to the City, dedicate a 5.0m widening to McGillivray Boulevard and a right-of-way corner cut measuring 22.0m along Linden Ridge Drive and 7.0m along McGillivray Boulevard. The above shall be effected through the registration of a plan of subdivision (DASSF) which plan shall also incorporate Block 5, Plan 39131, a 1' strip, within the Linden Ridge Drive right-of-way.

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 pay to the City in cash, its share of the following services to be installed by the City and/or others in the future in McGillivray Boulevard abutting the subject property:
   a) a 4.0m in width by 200mm in thickness portland cement concrete lane of pavement;
   b) a 1.5m in width by 100mm in thickness portland cement concrete sidewalk;
   c) boulevard landscaping in the south boulevard;
   d) ornamental street lighting;
   e) a share of the required land drainage sewer;

   and all related works, all as determined by the Director of Public Works.

2. The Developer shall pay its share of the cost of services installed by others in Linden Ridge Drive based on the Local Improvement rates prevailing at the time payment is received.
3. The Developer shall pay his share of the cost of services to be installed by others in McGillivray Boulevard at and in the vicinity of Linden Ridge Drive abutting the planned area, as determined by the Director of Public Works.
4. The Developer shall, at no expense to the City, construct a portland cement concrete sidewalk to a width of 1.5m by 100mm in thickness on the west side of Linden Ridge Drive abutting the subject property as determined by and to the satisfaction of the Director of Public Works.
5. The Developer shall pay its share of the land drainage trunk facilities benefiting the proposed development as determined by the Director of Water and Waste. The 2004 rate therefor is $6,479.00/acre.
6. The Developer shall, at no expense to the City, construct within the yard of the site abutting McGillivray Boulevard, a uniform noise attenuation fence 2.0m in height, to the satisfaction of the Director of Public Works. The Developer is to permit the City to file a caveat against the title of this lot abutting McGillivray Boulevard requiring the owner to maintain and/or repair or replace the fence as originally constructed, to the satisfaction of the Director of Public Works.
7. 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 Servicing Agreement.

8. The Developer shall pay the full cost of engineering services provided by or on behalf of the City in connection with the construction of the sidewalk and associated works required to serve the proposed development.

THIS REPORT SUBMITTED BY:

Administrative Coordinating Group
File No. AG 269/04
December 21, 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