Agenda - Council - September 28, 2005

Report - Standing Policy Committee on Property and Development - September 12, 2005

Item No. 9 Zoning Agreement Amendment - 222 Warde Avenue
File ZAA 8/2005 [c/r DASZ 12/82]

STANDING COMMITTEE RECOMMENDATION:

On September 21, 2005, the Executive Policy Committee concurred in the recommendations of the Standing Policy Committee on Property and Development and the Riel Community Committee and submits the following to Council:

1. That Zoning Agreement Caveat No. 1211311 under File DASZ 12/82 [ZAA 11/89] dated October 3, 1989, be amended such that paragraph 13 (d) is changed to allow for a maximum floor area ratio of 1.02 instead of 0.25.

2. That the City Solicitor/Manager of Legal Services be requested to prepare the necessary Amending Agreement to Zoning Agreement DASZ 12/82 [ZAA 11/89] dated October 3, 1989, as approved in aforesaid Recommendation 1.

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

4. 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 - September 12, 2005

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On September 21, 2005, the Executive Policy Committee concurred in the recommendations of the Standing Policy Committee on Property and Development and the Riel Community Committee and submitted the matter to Council.

STANDING COMMITTEE RECOMMENDATION:

On September 12, 2005, the Standing Policy Committee on Property and Development concurred in the recommendation of the Riel Community Committee and submitted the matter to the Executive Policy Committee and Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On July 18, 2005, the Riel Community Committee concurred in the administrative recommendation and submitted its recommendation to the Standing Policy Committee on Property and Development.

RE: **Zoning Agreement Amendment - 222 Warde Avenue**
File ZAA 8/2005

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

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

Report date: **July 25, 2005**

COMMUNITY COMMITTEE RECOMMENDATION:

1. That Zoning Agreement Caveat No. 1211311 under File DASZ 12/82 [c/r ZAA 11/89] dated October 3, 1989, be amended such that paragraph 13 (d) is changed to allow for a maximum floor area ratio of 1.02 instead of 0.25

2. That the City Solicitor/Manager of Legal Services be requested to prepare the necessary Amending Agreement to Zoning Agreement DASZ 12/82 [c/r ZAA11/89] dated October 3, 1989, as approved in aforesaid Recommendation 1.

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

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

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

1. The Riel Community Committee agreed with the administrative comments contained in the report from the Manager of Planning and Land Use dated July 12, 2005.

PUBLIC HEARING SUMMARY

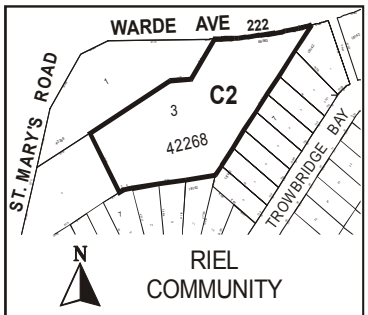
File: ZAA 8/2005

Before: Riel Community Committee
Councillor Swandel, Chairperson
Councillor Magnifico

Public Hearing: July 18, 2005
St. Norbert Community Centre, 3450 Pembina Highway

Applicant: Trico Developments Ltd.

Subject:



APPLICANT : TRICO DEVELOPMENT LTD.
FILE : ZAA 8/05
PROPOSAL : To amend the Zoning Agreement affecting the land shown outlined above to allow a maximum floor area ratio of 1.02 instead of 0.25 for an approved 60 unit, three storey multiple-family development. **For information, phone Mr. K. Lalor, Planner at 986-5069.**
DEMANDEUR: TRICO DEVELOPMENT LTD.
N° DE RÉFÉRENCE : MCZ 8/05
PROJET : Demande de modification de la convention de zonage touchant les sols délinéés ci-dessus afin de permettre un coefficient de surface de plancher maximale de 1,02 au lieu de 0,25 relativement au projet d'aménagement d'une maison multifamiliale de trois étages et de 60 unités. **Pour plus de renseignements, veuillez communiquer avec M. K. Lalor, urbaniste, au 986-5069.**

Premises Affected: 222 Warde Avenue

Exhibits Filed:

1. Application dated May 24, 2005
2. Notification of Public Hearing dated June 2, 2005
3. Manitoba Status of Title 1990257
4. Surveyor's Building Location Certificate and sketch dated July 4, 2002
5. Caveat No. 1211311
6. Zoning Development Information
7. Site Plans (4 pages)
8. Report from the Manager of Planning and Land Use dated July 12, 2005
9. Inspection Report

REPRESENTATIONS:

In Support:

Richard Bembridge
Jay Lev

In Opposition

Nil

For the City:

Kevin Lalor, Planner, Planning, Property and Development Department
Chris Torpey, Land Development Administrator, Planning, Property and Development Department

SUMMARIZATION OF REPRESENTATIONS AND SUBMISSIONS
MADE AT THE PUBLIC HEARING

Richard Bembridge and Jay Lev appeared in support of the application.

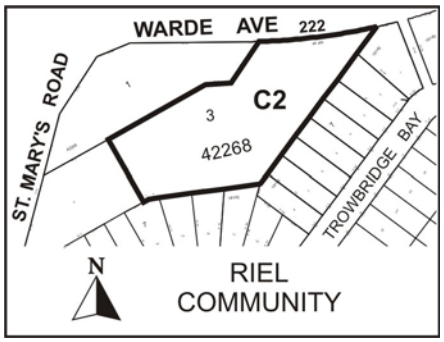
Exhibit "8" referred to in File ZAA 8/2005

Planning, Property and Development Department Report

To the Riel Community Committee

Date: July 12/05
File: ZAA 8 /05
Related Files: ZAA 15/03
Subject: To amend paragraph 13 (d) of zoning agreement DASZ 12/82 (c/r ZAA 11/89) to allow a maximum floor area ratio (F.A.R.) of 1.02 instead of 0.25 for an approved 60 unit three storey multiple family dwelling. This amendment is to correct an administrative omission and will not alter or change the original development proposal and /or recommendations outlined by the Riel Community Committee in ZAA 15/03.

Location: 222 Warde Ave.
Legal Description: Lot 3 Plan 42268



Applicant: Trico Developments Ltd.
Owner: Same as above

Recommendation: (Approved with Conditions)

Site Description

The subject property has frontage on Warde Avenue and is a residual parcel left over from an earlier partial commercial development of the property which occurred at the corner and along St. Mary's Road. The parcel is approximately three (3) acres in size. There is an adjoining single

family subdivision to the south and a newly approved 120 unit multiple family project to be situated at the N.E. corner of Warde Avenue and St. Mary's Road.

Background

More than a year ago, McGowan & Russell Architects made application, on behalf of Trico Developments , for a three story 60 unit housing complex on the south half of the subject land. Their residential proposal was at a density permitted under the C2 zoning thereby avoiding the need for a rezoning to a multiple family category. An underground parking area accommodating 76 stalls in addition to 18 surface stalls was also part of that original proposal. The 2003 application recommended amending the original agreement to allow for a three story building instead of the maximum one story allowed under previous agreements. After a number of consultations with adjoining residents, at which time they voiced their concerns about the proposed building height and proximity to adjoining residences, the Riel Community Committee endorsed the proposal for a three story structure with the proviso that the separation space between the proposed new building and residential property lines at the rear be increased and that final plans indicating extensive landscaping and building details/ location etc. be submitted to and approved by the Riel Community Committee in advance of any building permits being issued. To date , no final plans have been submitted for approval; however it has been discovered ,in the interim, that an additional zoning agreement amendment to correct an administrative omission is required to completely validate the previous proposal.

Description of the Proposed Development

The proposal calls for a three story seniors housing facility with a total of 60 dwelling units to be constructed on the front half of the subject property. There is to be extensive landscaping provided at the front and rear of the proposed building which will have underground parking and some surface parking. Access will be directly to Warde Avenue.

Analysis

When the original application was taken by the City of Winnipeg, the Zoning Branch failed to notice that a clause in the original agreement stated that development of the subject land would be limited to a maximum floor area ratio of .25 . In other words, the square footage of the proposed building could not exceed more than (approximately) one quarter of the overall square footage of the entire lot. That would have allowed a one story building with a similar footprint to that which was approved under ZAA 15/03. in order to approve a building with a similar footprint but three stories high apparently requires a floor area ratio of 1.02. therefore necessitating an additional amendment as previously outlined. The Planning and Land Use Division supported the previous application with the suggested conditions attached by the Riel Community Committee on the pretext that the proposed use -properly sited- was the highest and best use on the subject piece of land. It had , in fact, little to do with floor area ratios and more to do with proper land use and site development details. If however, a further amendment is required to legitimize the proposed development and the process, then the Planning Department reiterates it prior position in support of the proposed amendment to allow for a maximum floor

area ratio of 1.02 . To avoid confusion it should be noted that the new and correct address for the subject site is 222 Warde Avenue and not 2175 St. Mary's Rd.

Recommendation

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

- Whatever floor area ratio is used does not alter the fact that the proposed residential use of the land (properly sited and landscaped and at the suggested density) is an appropriate alternative to more commercial development at the S.E. corner of Warde Avenue and St. Mary's Road.

Recommended Conditions of Approval

I. That the Zoning Agreement Caveat No. 1211311 under file no. DAZ 12/82 (c/r ZAA11/89) , dated, October 3/89 , be amended such that paragraph 13 (d) is changed to allow for a maximum floor area ratio of 1.02 instead of 0.25

II. That the City Solicitor/Manager of Legal Services be requested to prepare the necessary Amending Agreement to Zoning Agreement DAZ 12/82 (c/r ZAA11/89), dated October 3/89 as approved in aforesaid Clause I.

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

IV. 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 the:
Planning, Property and Development Department
Planning and Land Use Division

Report Prepared by: Kevin Lalor
PPD File # .529