Agenda – Council – September 27, 2006

Report - Standing Policy Committee on Property and Development - September 19, 2006

Item No. 4 Rezoning – 1570 Taylor Avenue
File DAZ 233/2006

STANDING COMMITTEE RECOMMENDATION:

On September 21, 2006, 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 233/2006 dated August 28, 2006, to an "RM-5A" Multiple-Family District (Airport Vicinity Protection Area), 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 total number of dwelling units not exceed one hundred and forty (140).

        ii. That the building footprint and parking area configuration be established and maintained in substantial conformity with plans submitted and identified as Exhibit 6.

        iii. That for the development of any building, accessory parking area or free-standing sign, plans shall be submitted showing the location and design of the proposed buildings, the location and design of accessory parking areas, private approaches, garbage enclosures, fencing, landscaping and free-standing signs to City Centre Community Committee and the Director of Planning, Property, and Development for plan approval prior to the issuance of any building or development permit and thereafter maintained to the satisfaction of the Director of Planning, Property, and Development.

2. That the existing Zoning Agreement, put into place under DASZ 18/93 (By-law No. 6399/94) and registered under Caveat No. 2450596, be withdrawn.

3. That the developer shall enter into a Servicing Agreement with the City of Winnipeg pursuant to Subsection 591(1) of The City of Winnipeg Charter containing all of the conditions outlined in the August 18, 2006, Administrative Coordinating Group report.

Report - Standing Policy Committee on Property and Development - September 19, 2006

4. 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.

5. 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.

6. 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 (3) readings.

7. 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.

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

9. 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 19, 2006

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On September 21, 2006, 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 September 19, 2006, 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 September 5, 2006, the City Centre Community Committee concurred in the revised administrative recommendation and submitted its recommendation to the Standing Policy Committee on Property and Development.

RE: **Rezoning – 1570 Taylor Avenue**
File DAZ 233/2006 [c/r DCU 146573/2006D, DAV 146531/2006D]

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

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

Report date: **September 8, 2006**

COMMUNITY COMMITTEE RECOMMENDATION:

On September 5, 2006, the City Centre Community Committee concurred in the administrative recommendation and recommends to the Standing Policy Committee on Property and Development:

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 6400/94 be amended by rezoning the subject land as shown on Schedule "A", for file DAZ 233/2006 dated August 28, 2006, to an "RM-5A" Multiple-Family District (Airport Vicinity Protection Area), 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 total number of dwelling units not exceed one hundred and forty (140);

        ii. That the building footprint and parking area configuration be established and maintained in substantial conformity with plans submitted and identified as Exhibit 6;

        iii. That for the development of any building, accessory parking area, or free-standing sign, plans shall be submitted showing the location and design of the proposed buildings, the location and design of accessory parking areas, private approaches, garbage enclosures, fencing, landscaping, and free-standing signs to City Centre Community Committee and the Director of Planning, Property, and Development for plan approval prior to the issuance of any building or development permit and thereafter maintained to the satisfaction of the Director of Planning, Property, and Development.

2. That the existing Zoning Agreement, put into place under DASZ 18/93 (By-law No. 6399/94) and registered under Caveat No. 2450596, be withdrawn.

3. That the developer shall enter into a Servicing Agreement with the City of Winnipeg pursuant to Subsection 591(1) of The City of Winnipeg Charter, containing all of the conditions outlined in the August 18, 2006 Administrative Coordinating Group report.

4. 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.

5. 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.

6. 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 (3) readings.

7. 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.

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

9. 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 developer sought a community meeting and the community was supportive.

2. The development fits in with the infill housing requirements of Plan Winnipeg

3. The development will shield nearby residences from railway noises.

PUBLIC HEARING SUMMARY

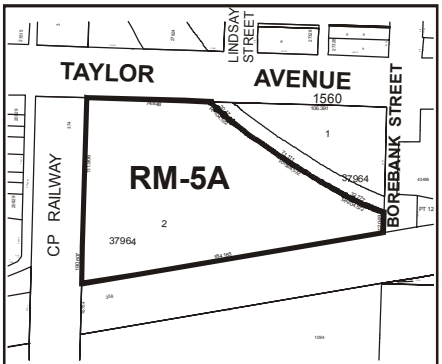
File: DAZ 233/2006 [c/r DCU 146573/2006D, DAV 146531/2006D]

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

Public Hearing: September 5, 2006
Council Building, 510 Main Street

Applicant: GPP Architecture (Lindsay Forsyth)

Subject:



CITY CENTRE COMMUNITY

APPLICANT : GPP ARCHITECTURE

FILE : DAZ 233/06

PROPOSAL : To rezone the land shown outlined above from an "RM-1A" MULTIPLE-FAMILY DISTRICT to an "RM-5A" MULTIPLE-FAMILY DISTRICT and to withdraw the existing Zoning Agreement. **For information, phone Mr. M. Sandhurst, Planner at 986-5066.**

Premises Affected: unaddressed lot west of 1560 Taylor Avenue, 1570 and 1580 Taylor Avenue

Exhibits Filed:
1. Application dated August 10, 2006
2. Notification of Public Hearing dated August 11, 2006
3. Status of Title 1694223

4. Letter of authorization dated August 9, 2006 from Richard Morantz, President, Globe General Agencies, to Guy Prefontaine
5. Drawing of subject property
6. Plan (1 page)
7. Report from the Planning and Land Use Division dated August 28, 2006
8. Report from the Administrative Coordinating Group dated August 29, 2006
9. Revised Report from the Planning and Land Use Division dated August 28, 2006.
10. Inspection Report
11. Letter in opposition to the application dated September 5, 2006, from Leanne Shewchuk, Manager Environment and Risk Management, Winnipeg Airports Authority

REPRESENTATIONS:

In Support:

Guy Prefontaine, GPP Architecture
Richard Morantz

In Opposition

Leanne Shewchuk, Manager, Environment and Risk Management, Winnipeg Airports Authority

For Information:

Nil

For the City:

M. Sandhurst, Senior Planner, Planning, Property and Development Department

SUMMARIZATION OF REPRESENTATIONS AND SUBMISSIONS
MADE AT THE PUBLIC HEARING

The applicant, Guy Prefontaine, GPP Architecture, appeared in support of the application and gave a brief overview of the proposal. Mr. Prefontaine stated he hand delivered pamphlets to the

open house informational meeting in the area and had a 10% turnout. In response to committee's questions, Mr. Prefontaine stated the intent was to use reclaimed brick for the façade of the building.

In response to committee's questions, the Senior Planner stated that the Winnipeg Airport Protection Area was created to protect the 24 hour operation of the airport. He also stated that this application was barely within the Winnipeg Airport Protection Area and would not impact the operation of the airport.

Exhibit "8" referred to in File DAZ 233/2006 [c/r DCU 146573/2006D, DAV 146531/2006D]

RE: PROPOSED REZONING ON LAND LOCATED ON THE SOUTH SIDE OF TAYLOR AVENUE, WEST OF BOREBANK STREET – DAZ 233/06

An application has been submitted by GPP Architecture to rezone land located on the South side of Taylor Avenue, West of Borebank Street. Prior to the enactment of the rezoning by-law for the application, the Developer shall, at no expense to the City, engage a qualified transportation engineering consultant to carry out the Crossing Safety Assessment on the two railway crossings on Taylor Avenue immediately adjacent to the subject property, paying particular attention to the impact of the additional traffic that the proposed development will generate and of the physical proximity of the proposed access to the proposed development on the two railway crossings on Taylor Avenue. The Crossing Safety Assessment is to be carried out in consultation with and to the satisfaction of The Director of Public Works, Transport Canada and the two Railways whose crossings are affected.

It is recommended that approval of this application be subject to the Developer entering into Servicing Agreement containing the following:

1. a) The Developer shall provide an estimate, prepared by a qualified Municipal Engineer, of the wastewater flows that will be generated by the proposed development.
   b) The Developer shall, at no expense to the City, construct a combined sewer in Taylor Avenue from Lindsay Street to the proposed main entrance to the condo development.
   c) The Developer shall restrict land drainage run-off from the development to pre-development rates as determined by the Director of Water and Waste.

2. If the Safety Assessment determines that the railway crossing warning systems need to be upgraded as a result of the proposed development, the Developer shall be responsible for all costs of these upgrades.

3. The Developer shall, at no expense to the City, construct within the rear and/or side yards of the subject property abutting the CNR Rivers Subdivision, the CPR La Riviere Subdivision and the Burlington Northern and Santa Fe Railway, a uniform 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 the subject property abutting the above-mentioned rail lines requiring the owner(s) to maintain and/or repair or replace the fence as originally constructed, to the satisfaction of the Director of Public Works. Said fence is intended to ensure that "pedestrian trespass" to the tracks does not become a consequence of the subject development, thereby jeopardizing existing and/or future anti-whistling regulations along the subject railway line.

4. The Developer shall pay all costs associated with the provision of vehicular access to the subject property as determined by and to the satisfaction of the Director of Public Works.

5. a) The Developer shall, at no expense to the City, construct a concrete sidewalk to a width of 1.5m and a thickness of 100mm on the south side of Taylor Avenue from Lindsay Street to Renfrew Bay (east leg) as determined by and to the satisfaction of the Director of Public Works.
   b) The Developer shall, at no expense to the City, sod the boulevard on the south side of Taylor Avenue adjacent to the new sidewalk to the satisfaction of the Director of Public Works.

6. The Developer shall pay the full cost of engineering services provided by or on behalf of the City in connection with the installation of the combined sewer, sidewalk and related works required to serve the proposed development.

7. The Developer shall pay $1,650.00 to defray the City's administration and related costs associated with the preparation and implementation of the Servicing Agreement.

THIS REPORT SUBMITTED BY:

Administrative Coordinating Group
File No. AG 233/06
August 18, 2006

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["Original signed by E. Carriere"]
Land Development Engineer

["Original signed by T.S. Josephson"]
Water and Waste Department

["Original signed by R.J. Hartman"]
Public Works Department
Transportation Division

6404

Exhibit "9" referred to in File DAZ 233/2006 [c/r DCU 146573/2006D, DAV 146531/2006D]

Winnipeg

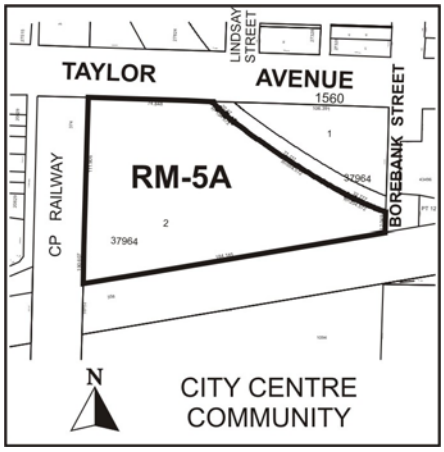
Planning, Property and Development Department Report

To City Centre Community Committee

REVISED REPORT

Date: August 28, 2006
File: **DAZ 233/06**
Related Files: DCU 06-146573/D, DAV 06-146531/D
Subject: To amend By-Law No. 6400/94 by rezoning the land shown below from an "RM-1A" Multiple-Family District to an "RM-5A" Multiple-Family District.

Location: 1570 / 1580 Taylor Avenue
Legal Description: LOT 2 PLAN 37964 in RL 55 and 56 Parish of St. Boniface



Applicant: GPP Architecture Lindsay Forsyth
Owner: Ethan Real Estate & Development Corporation

Recommendation: *Approved*

Site Description

The subject site is located along the south side of Taylor Avenue, between Renfrew Bay and the south extension of Borebank Street . The vacant, approximately 3.25 acre site is bordered on three sides by railway lines (including the CNR Mainline on its south border). Neighbouring uses include a railway loading facility and single-family dwellings (across Taylor to the north, zoned "R1-4A" Single-Family District), a carwash (to the east, zoned "R1-4A" Single-Family District), a mix of industrial warehouse, institutions, and multiple-family dwellings (across the CNR Mainline to the south, zoned "M2" Industrial District and "C2" Commercial District), and a cluster of multiple-family dwellings (to the west, zoned "RM-2A" Multiple-Family District, "RM-5A" Multiple-Family District, and "R2A" Two-Family District).



Subject site: aerial photo flown 2005.

Background

In November, 1993, City Centre Community Committee considered and recommended approval of a rezoning of the subject site from "R1-4" to "RM-1" under DASZ 18/93, to accommodate a 36-unit townhouse development.

Description of the Proposed Development

The applicant proposes to rezone the subject site in order to accommodate a 134-unit multiple-family development. The proposed development features two buildings—a 5-storey residential building located on the westerly portion of the site and a 7-storey residential building located on the easterly portion. Covered tenant parking is located along the south property line, adjacent to the CNR Mainline. A visitor parking and drop-off area is provided in a courtyard configuration, surrounded by the residential buildings and covered parking area.

The subject site is located within the Area II designation of the *Airport Vicinity Development Plan*. This designation permits residential development up to a maximum of 35 dwelling units per acre. Since this proposal exceeds that density, conditional use approval is required (the subject of DCU 06-146573/D). In addition, the applicant requests that yard and parking space-per-dwelling unit ratio provisions be varied (the subject of DAV 06-146531/D).

Analysis

This portion of South River Heights is designated "Neighbourhood" under *Plan Winnipeg*. This designation accommodates a variety of residential densities and built forms, including the proposed medium-density multiple-family development. *Plan Winnipeg* encourages multiple-family developments along regional streets, particularly where public transit service is available. The proposed development positions the covered parking area adjacent to the CNR Mainline (which serves to buffer the impacts of the rail traffic on the proposed residences), takes height and massing cues from nearby developments (e.g. 7-storey multiple-family building to the west), provides considerate building separation from adjacent residences, and continues the pattern of separating the low-density residences north of Taylor Avenue from the conflicting railway mainline to the south.

The proposed 134-unit multiple-family development can be accommodated under the "RM-4" Multiple-Family District density restrictions (54 dwelling units per acre maximum provides for up to 175 dwelling units), but cannot meet the height limitation (45-foot height maximum). In order to ensure the development is established in accordance with the preliminary submission, Planning & Land Use Division recommends a Zoning Agreement be entered into that limits density and provides opportunity for scrutiny of more detailed plans when available.

It should be noted that, due to the proximity of two railway crossings to the proposed development's private approach along Taylor Avenue, Public Works Department recommends a "Crossing Safety Assessment" be conducted by a qualified transportation engineering consultant in consultation with Public Works Department, Transport Canada, and the railways.

Recommendation

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

- The proposal is consistent with *Plan Winnipeg*;
- The proposal is considerate of its neighbours and provides additional housing choice in a desirable, older neighbourhood; and
- The proposed multiple-family building can be effectively integrated into its immediate context and demonstrates a good land use – transportation fit.

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 233/06, attached hereto and dated August 28, 2006, to an "RM-5A" 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:

1. That the total number of dwelling units not exceed 140;
2. That the *building footprint and parking area configuration* be established and maintained in substantial conformity with plans submitted and identified as Exhibit _____, dated August 18, 2006; and
3. That for the development of any building, accessory parking area, or free-standing sign, plans shall be submitted showing the location and design of the proposed buildings, the location and design of accessory parking areas, private approaches, garbage enclosures, fencing, landscaping, and free-standing signs to City Centre Community Committee and the Director of Planning, Property, & Development for plan approval prior to the issuance of any building or development permit and thereafter maintained to the satisfaction of the Director of Planning, Property, & Development.

II. That the existing Zoning Agreement, put into place under DASZ 18/93 (By-Law No. 6399/94) and registered under Caveat No. 2450596, be withdrawn;

III. That the developer shall enter into a Servicing Agreement with the City of Winnipeg pursuant to Subsection 591(1) of *The City of Winnipeg Charter*, containing all of the conditions outlined in the August 18, 2006 Administrative Coordinating Group report.

IV. 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.

V. 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.

VI. 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 (3) readings.

VII. 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.

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

IX. 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: M. Sandhurst
PPD File # DAZ 233/06

Schedule "A"

By-Law No. _____

File No. **DAZ 233/06**

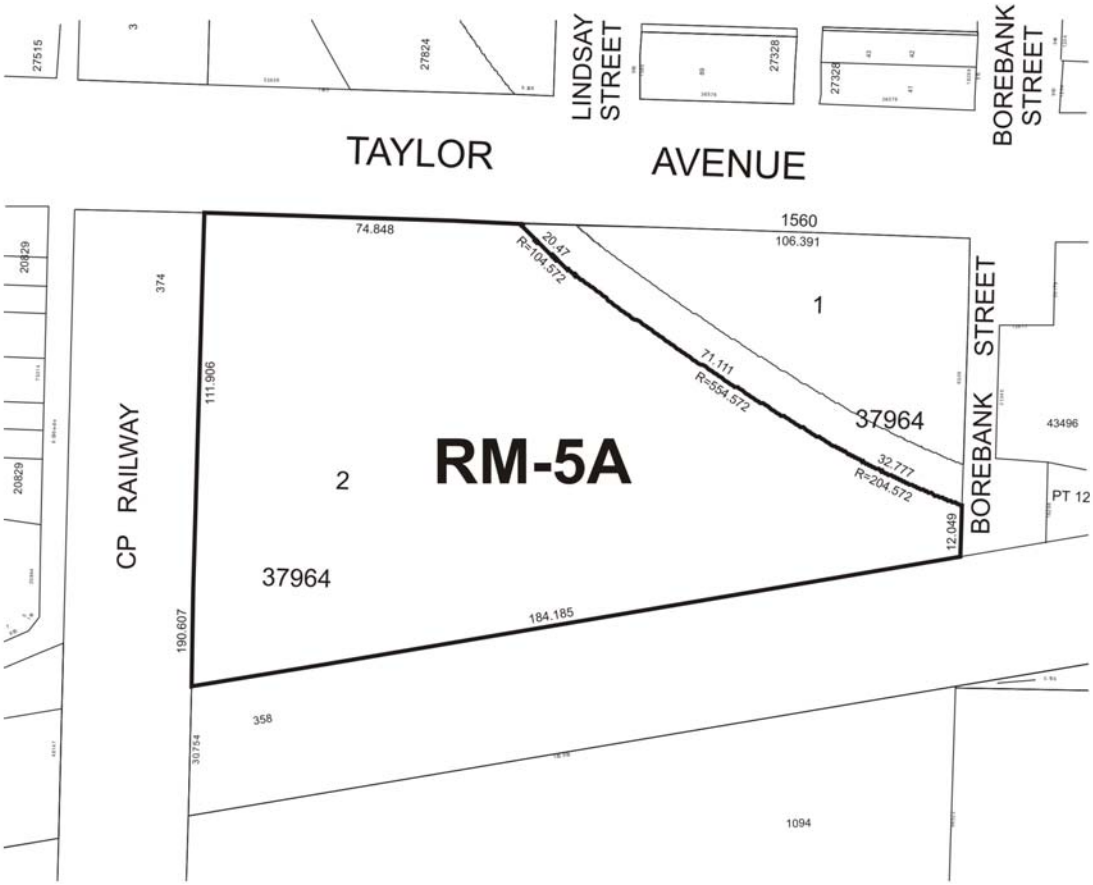
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AE21
CITY CENTRE
COMMUNITY

Explanation

A proposed zoning change to By-law No. 6400/94 by rezoning the land located on the south side of Taylor Avenue, west of Borebank Street from an "RM-1A" MULTIPLE-FAMILY DISTRICT to an "RM-5A" MULTIPLE-FAMILY DISTRICT and to withdraw the existing Zoning Agreement as shown outlined below.



THIRD READING : _____ EFFECTIVE DATE : _____

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No. _____

Schedule "A" to the report to City Centre Community Committee for file # DAZ 233/06 dated August 28, 2006.

Exhibit "11" Referred to in File DAZ 233/2006 [c/r DCU 146573/2006D, DAV 146531/2006D]

WINNIPEG
AIRPORTS AUTHORITY

September 5, 2006

Ms. Josie Marques
City Centre Community Clerk
City of Winnipeg
Winnipeg, MB

RECEIVED
CITY CLERKS
WINNIPEG
6 SEP -5 A11:25

Dear Mr. Sandhurst:

Re: File Number DAZ 233/2006 Rezoning Application – Conditional Use Application 06-146573/D – 1570 Taylor Avenue Property

Winnipeg Airports Authority Inc. (WAA) does not support the conditional use application for the Taylor Avenue property to increase density to 134 units from the permitted 112 units.

The Airport Vicinity Protection Zoning Bylaw 6418/94 was put in place to ensure land uses were compatible with 24-hour airport operations. An increase in density for this development above the 112 units allowed by the bylaw is not supported by WAA as it would increase residential development within the noise impacted area.

Thank you for your consideration.

Sincerely,

Leanne Shewchuk
Manager Environment and Risk Management
Winnipeg Airports Authority

c.c. Martin Sandhurst, Planning Property and Development
Airport Advisory Committee on Environment

Winnipeg Airports Authority Inc.
249-2000 Wellington Avenue
Winnipeg, Manitoba, Canada R3H 1C2
Phone 204 987-9400 Fax 204 987-9401
web site: http://www.waa.ca