Minute No. 168
Report - Standing Policy Committee on Property and Development - January 9, 2007

Item No. 23 Subdivision and Rezoning – 522 and 526 River Avenue
File DASZ 36/2006

COUNCIL DECISION:

Council concurred in the recommendations of the Standing Policy Committee on Property and Development and adopted the following:

1. That the plan of subdivision proposed under File DASZ 36/2006 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 36/2006 dated December 5, 2006, for registration in the Winnipeg Land Titles Office.

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

3. That The Winnipeg Zoning By-law No. 6400/94 be amended by rezoning the subject land as shown on Schedule "A" for File DASZ 36/2006 dated December 5, 2006, to an "RM-4" 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 the mixed-use development shall be established and maintained in substantial conformity with plans submitted and identified as Exhibit 9.

        ii. That final plans showing the location and details of building elevations, landscaping, fencing, parking areas and vehicular circulation and free-standing signs shall be submitted to the Director of Planning, Property and Development for approval prior to the issuance of any development or building permits and thereafter shall be maintained to the satisfaction of the Director of Planning, Property and Development.

        iii. That refuse facilities and materials loading areas shall be located entirely within the enclosed building.

        iv. That mobile and temporary signs shall not be permitted.

Report - Standing Policy Committee on Property and Development - January 9, 2007

COUNCIL DECISION (continued)

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.

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

6. 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.

7. That 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.

8. That in the event the necessary City of Winnipeg mylar approval signatures have not been secured within twenty-four (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.

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 - January 9, 2007

DECISION MAKING HISTORY:

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

Carried

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On January 17, 2007, 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 January 9, 2007, 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 December 12, 2006, the City Centre Community Committee concurred in the administrative recommendation and submitted its recommendation to the Standing Policy Committee on Property and Development.

RE: **Subdivision and Rezoning – 522 and 526 River Avenue**
File DASZ 36/2006 [c/r DCU 157705/2006D, DAV 146044/2006D]

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

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

Report date: **December 14, 2006**

COMMUNITY COMMITTEE RECOMMENDATION:

On December 12, 2006, the City Centre Community Committee concurred in the administrative recommendation and recommends to the Standing Policy Committee on Property and Development:

1. That the plan of subdivision proposed under File DASZ 36/2006 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 36/2006, dated December 5, 2006, for registration in the Winnipeg Land Titles Office.

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

3. That The Winnipeg Zoning By-law No. 6400/94 be amended by rezoning the subject land as shown on Schedule "A" for File DASZ 36/2006, dated December 5, 2006, to an "RM-4" 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 the mixed-use development shall be established and maintained in substantial conformity with plans submitted and identified as Exhibit 9;

        ii. that final plans, showing the location and details of building elevations, landscaping, fencing, parking areas and vehicular circulation, and free-standing signs shall be submitted to the Director of Planning, Property and Development for approval prior to the issuance of any development or building permits; and thereafter shall be maintained to the satisfaction of the Director of Planning, Property and Development;

iii. that refuse facilities and materials loading areas shall be located entirely within the enclosed building; and

iv. That mobile and temporary signs shall not be permitted.

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.

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

6. 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.

7. That 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.

8. That in the event that the necessary City of Winnipeg mylar approval signatures have not been secured within twenty-four (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.

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 proposal is in accordance with the Osborne Village Neighbourhood Plan.

2. The proposal is going to be an improvement to the area.

3. Parking is provided.

PUBLIC HEARING SUMMARY

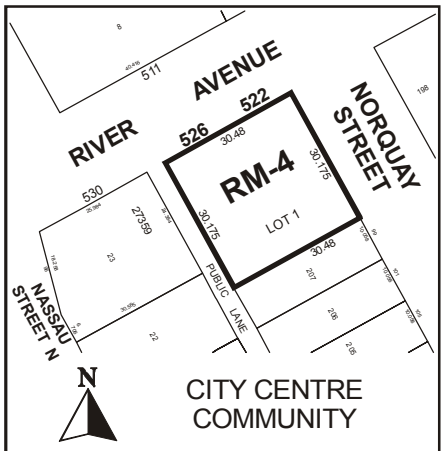
File: DASZ 36/2006 [c/r DCU 157705/2006D, DAV 146044/2006D]

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

Public Hearing: December 12, 2006
North Committee Room
Council Building, 510 Main Street

Applicant: Al Coppinger

Subject:



APPLICANT : AL COPPINGER
FILE : DASZ 36/06
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 No. 6400/94 by rezoning the land shown outlined above from an "R1-3" RESIDENTIAL DISTRICT to an "RM-4" MULTIPLE-FAMILY DISTRICT. **For information, phone Mr. M. Sandhurst, Planner at 986-5066.**

Premises Affected: 522 and 526 River Avenue

Exhibits Filed:

1. Application dated October 26, 2006
2. Notification of Public Hearing dated November 9, 2006
3. Manitoba Status of Titles 2075909, 2117515
4. Letter of authorization dated June 20, 2006 from Barbara Burgess to Al Coppinger.
5. Letter of authorization dated July 31, 2006 from 4619321 Manitoba Ltd to Al Coppinger
6. Letter of authorization dated July 31, 2006, from 522 River Development Inc. to Al Coppinger
7. Surveyor's Building Location Certificate and sketch dated May 8, 1986
8. Surveyor's Building Location Certificate and sketch dated September 1, 2006
9. Plans (5 pages)
10. Report from the Planning and Land Use Division dated December 5, 2006
11. Inspection Report
12. Communication dated October 26, 2006, from the applicant Al Coppinger, in support of application

REPRESENTATIONS:

In Support:

Al Coppinger
Ron Francis
Klaus Fischer
Len Hirsch
Doug McKay
Roy Poltronettie

In Opposition

Nil

For Information:

David Kraemer
Christine and Royal Rhodes

For the City:

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

SUMMARIZATION OF REPRESENTATIONS AND SUBMISSIONS
MADE AT THE PUBLIC HEARING

Doug McKay, representing the applicant, appeared in support of the application.

Kris Rhodes appeared for information and inquired as to traffic flow, the type of businesses that would be permitted on the main floor of the building, the existence of a condo committee for the building, provisions for parking, and the size and cost of the condominiums.

The Senior Planner provided information on the type of businesses allowed under the "C1" Commercial District.

David Kraemer appeared for information and inquired if the businesses that would be permitted on the main floor would be licensed.

In rebuttal, Doug McKay sated that parking above and below ground was provided, that the preference was for office uses on the main floor without evening hours of operation to accommodate the condo owners. He also stated they were required to implement a condo committee. He further stated that the units would be approximately 1,100 square feet and the selling price was still being developed.

Exhibit "10" referred to in File DASZ 36/2006 [c/r DCU 157705/2006D, DAV 146044/2006D,]

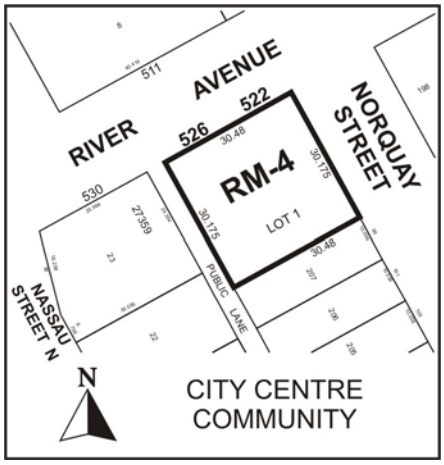
Winnipeg

Planning, Property and Development Department Report

To City Centre Community Committee

Date: December 5, 2006
File: **DASZ 36/06**
Related Files: DCU 06-157705/D, DAV 06-146044/D
Subject: To subdivide the land shown below to consolidate into one lot and to rezone from an "R1-3" Single-Family District to an "RM-4" Multiple-Family District.

Location: 522 and 526 River Avenue
Legal Description: Lot 208 Plan 102; Lot 209 Plan 102

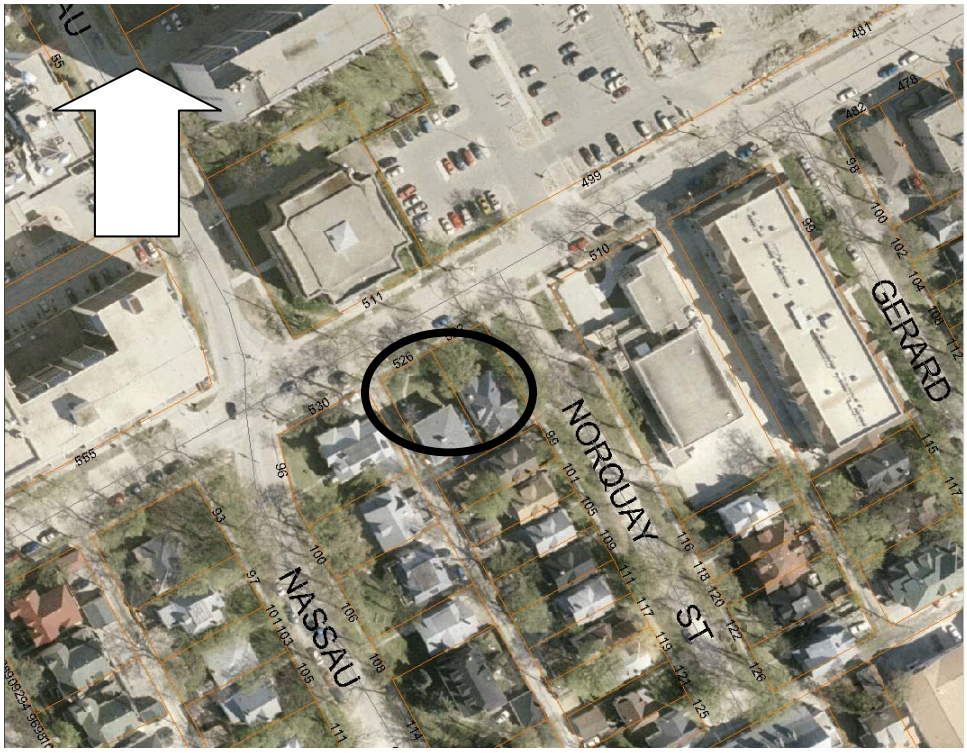


Applicant: Al Coppinger
Owner: 4619321 Mb Ltd

Recommendation: *Approved with conditions*

Site Description

The subject site is located at the south west corner of River Avenue and Norquay Street. It's currently developed with an older 2-1/2 storey dwelling and an older 2-storey dwelling. The two approximately 50-foot wide by 100-foot deep lots are zoned "R1-3" Single-Family District. Neighbouring properties include a duplex (to the south, zoned "R2" Two-Family under DAZ 232/06); a residential institution (across the public lane to the west, zoned "R2-T" Two-Family Transitional District); a church (across River Avenue, zoned "RM-7" Multiple-Family District); and a church (across Norquay Street, zoned "R1-3" Single-Family District).



Subject site: aerial photo flown 2005.

Description of the Proposed Development

The applicant proposes to demolish the existing dwellings and develop a 4-storey mixed-use building on a consolidated 100-foot wide by 100-foot deep lot. The building is to house 12 dwelling units (2nd, 3rd, and 4th floors) and approximately 3500 square feet of commercial space (main floor). The proposed building is designed to front River Avenue (consistent with the existing dwellings at 522 and 526 River Avenue), with vehicular access to surface parking (2 parking spaces) via Norquay Street and surface and underground parking (2 surface parking spaces; 12 underground parking spaces) via the public lane located along the west property line.

Conditional use application is necessary in order to establish the commercial space within an "RM-4"-zoned building (the subject of DCU 06-157705/D). In addition, the applicant seeks relief from building setback provisions and the parking space-to-dwelling unit ratio (the subject of DAV 06-146044/D).

Analysis
This portion of Osborne Village is designated "Neighbourhood" under *Plan Winnipeg*. This designation accommodates a range of residential forms and densities, along with commercial, institutional, and parks & recreation uses. The area is characterized by a variety of uses, though residential is predominant. Residential densities range from older 2-storey single-family dwellings, to low- and medium-density conversions, to medium- to high-density multiple-family developments.

This portion of Osborne Village is designated "Village Medium Density Residential" under the draft *Osborne Village Neighbourhood Plan* (public hearing at City Centre Community Committee November 14, 2006; second and third readings at Council forthcoming). This designation encourages 2- to 4-storey residential buildings along River and Stradbrook avenues. Although mixed-use buildings are not specifically encouraged along this portion of River Avenue, this location is particularly well-suited to the proposed mix.

While these plans provide guidance to residents, property owners, developers, and decision-makers, it's necessary to view the proposal in its specific context. The subdivision component of the application is necessary in order to consolidate the two 50-foot wide existing lots (522 River and 526 River) into one 100-foot wide lot. The rezoning component is necessary in order to accommodate the 12-unit multiple-family building and commercial use. Twelve dwelling units above low-intensity commercial uses at this location can be absorbed by this 10,000 square foot site without appreciable impacts on its neighbours. The most substantive aspect of the proposal is the inter-relationship of the proposed 4-storey building's bulk, massing, and setbacks from property lines.

A 3-storey building mimicking these elements has little more impact on adjacent neighbours than have the existing dwellings. The applicant has attempted to design and orient the proposed 4-storey building in a manner that minimizes its proximity to adjacent properties and reduces the effects of the additional (4th) floor. Consistent with the existing dwellings, the building fronts River Avenue. By locating the front (north) building wall within approximately 1-foot of the front property line, the gains include a more pedestrian-oriented commercial component and an increased setback from the rear (south) property line. The screened balconies along the south wall of the building are located approximately 14-feet from the rear property line—similar to the setbacks to the existing dwellings (the south wall itself is located approximately 20-feet from the rear property line). The proposed building wall screening—provided along all sides of the building's 2nd- to 4th-floors—endeavours to reduce overview impacts and privacy concerns.

A 4-storey building with an approximately 70-foot long wall, located approximately 14 feet from a shared residential property line will have an impact on the neighbouring property - certainly more so than would be the case with a 3-storey building with similar dimensions and a similar proximity. To determine if the impacts of the proposed 4-storey building are reasonable, the key is to establish a guideline (or package of guidelines) that provides the basis for decision-making. Although well-intended and adequate for suburban greenfield sites, the yard requirements under

Winnipeg Zoning By-Law #6400/94 are less effective regarding urban infill sites. Increasingly commonplace in other jurisdictions are infill guidelines for multiple-family developments in mature, urban neighbourhoods.

Infill development guidelines provide the means to distinguish quality developments that are scaled and designed in such a way to enhance neighbourhoods, from those that risk harming neighbourhoods (i.e."add to the neighbourhood, don't borrow from it"). Planning & Land Use Division has recently prepared a discussion paper regarding guidelines utilized in other cities—with detailed assessments of Ottawa's, Toronto's, and Seattle's guidelines. This paper is intended to form the basis for initiation of an infill guidelines project that is to culminate in infill guidelines for Winnipeg's own mature neighbourhoods.

Ottawa aims particularly to guide medium-density infill in predominantly low-density neighbourhoods. One of a number of guidelines is the ratio of building height-to-building separation. Due to the lower-density target neighbourhoods, this ratio equates to a 45-degree angular plane measured from the shared property line to the top of the proposed infill building. This guideline is well-suited to neighbourhoods equivalent to Fort Garry, Tuxedo, Sturgeon Creek. For a neighbourhood such as Osborne Village, in a portion designated "medium density residential" by the secondary plan, at a site located along a regional street, a more appropriate ratio would provide a 60-degree angular plane. Applying this measure to the proposed 4-storey building, the 4th-floor balcony projects within the 60-degree angular plane. Although ideally the 4th-floor would be setback an additional 10-feet, to do so in this circumstance would eliminate the south-facing balconies from two dwelling units. Community committee may want to impose a condition of approval that reduces this projection into the angular plane.

Recommendation
Planning and Land Use Division recommends approval of the proposed rezoning and subdivision for the following reasons:

- The proposal is consistent with *Plan Winnipeg*;
- The proposal is consistent with the "Village Medium Density Residential Policies" of the draft *Osborne Village Neighbourhood Plan*; and
- The proposed mixed-use building is of a reasonable density and demonstrates a good fit with its immediate context.

Recommended Conditions of Approval

I. That the plan of subdivision proposed under File No. DASZ 36/06 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File No. DASZ 36/06, attached hereto and dated December 5, 2006, for registration in the Winnipeg Land Titles Office.

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 36/06, attached hereto and dated December 5, 2006, to an "RM-4" 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 mixed-use development shall be established and maintained in substantial conformity with plans submitted and identified as Exhibit ___, dated October 6, 2006;
2. that final plans, showing the location and details of *building elevations, landscaping, fencing, parking areas & vehicular circulation, and free-standing signs* shall be submitted to the Director of Planning, Property and Development for approval prior to the issuance of any development or building permits; and thereafter shall be maintained to the satisfaction of the Director of Planning, Property and Development;
3. that refuse facilities and materials loading areas shall be located entirely within the enclosed building; and
4. That mobile and temporary signs shall not be permitted.

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 Services be requested to prepare the necessary by-law in accordance with the above.

VI. 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.

VII. 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.

VIII. In the event that the necessary City of Winnipeg mylar approval signatures have not been secured within twenty-four (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.

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 # DASZ 36/06

Schedule "A"

By-Law No. _____

File No. **DASZ 36/06**

Atlas Sheet No.

N

AB24
CITY CENTRE
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 at 522 and 526 River Avenue from an "R1-3" RESIDENTIAL DISTRICT to an "RM-4" MULTIPLE-FAMILY DISTRICT 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 # DASZ 36/05 dated December 5, 2006.