Minute No. 391
Report - Standing Policy Committee on Property and Development – April 3, 2007

Item No. 10 **Subdivision and Rezoning - land located on the north side of Flora Avenue (between 475 and 483)**
File DASZ 3/2007

COUNCIL DECISION:

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

1. That the plan of subdivision proposed under File DASZ 3/2007 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 3/2007 dated March 1, 2007, for registration in the Winnipeg Land Titles Office.

2. That The Winnipeg Zoning By-law No. 6400/94 be amended by rezoning the subject land as outlined on Schedule "A" for File DASZ 3/2007 dated March 1, 2007, to an "RM-5" Multiple-Family District subject to the following:

   A That the applicant enter into a Zoning Agreement with the City pursuant to Section 240 (1) of The City of Winnipeg Charter to include the following conditions:
      i. That the density shall not exceed thirteen (13) units
      ii. That buildings shall not exceed a height of thirty (30) feet
      iii. That final plans showing the location, design and materials of the proposed buildings, the location and design of accessory parking areas, internal walkways, private approaches, fencing, and landscaping shall:
         a. be approved by the Director of Planning, Property, and Development prior to the issuance of any development permits
         b. thereafter be maintained to the satisfaction of the Director of Planning, Property, and Development.

3. That a ten (10%) percent 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 the Director of Planning, Property and Development be authorized to certify any documents in connection therewith.

Report - Standing Policy Committee on Property and Development – April 3, 2007

COUNCIL DECISION (continued):

5. That in the event the application is not proceeded with expeditiously and the by-law is not enacted within twelve (12) 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 twelve (12) 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 by-law in accordance with the above.

7. 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, and the Zoning Agreement has been filed by caveat in the Winnipeg Land Titles Office against those lands provided that the said effective date occurs within twelve (12) months from the date that the said rezoning by-law is adopted by Council.

8. That the Plan of Subdivision shall be approved and signed by the Director of Planning, Property and Development within one (1) year of the date of passage of the aforementioned by-law.

9. That in the event the necessary City of Winnipeg mylar approval signatures have not been secured within twelve (12) 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.

10. 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 – April 3, 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 April 18, 2007, the Executive Policy Committee concurred in the recommendations of the Standing Policy Committee on Property and Development and the Lord Selkirk-West Kildonan Community Committee and submitted the matter to the Executive Policy Committee and Council.

STANDING COMMITTEE RECOMMENDATION:

On April 3, 2007, the Standing Policy Committee on Property and Development concurred in the recommendation of the Lord Selkirk-West Kildonan Community Committee and submitted the matter to the Executive Policy Committee and Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On March 12, 2007, the Lord Selkirk-West Kildonan Community Committee concurred in the administrative recommendation and submitted its recommendation to the Standing Policy Committee on Property and Development.

RE: **Subdivision and Rezoning - land located on the north side of Flora Avenue (between 475 and 483)**
File DASZ 3/2007 [c/r DCU 110170/2007D & DAV 108985/2007D]

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

Prepared by: **Diane Timmins, Clerk,**
Lord Selkirk-West Kildonan Community Committee

Report date: **March 19, 2007**

COMMUNITY COMMITTEE RECOMMENDATION:

On March 12, 2007, the Lord Selkirk-West Kildonan 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 3/2007 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 3/2007 dated March 1, 2007, for registration in the Winnipeg Land Titles Office.

2. That the Winnipeg Zoning By-law No. 6400/94 be amended by rezoning the subject land as outlined on Schedule "A" for File DASZ 3/2007 dated March 1, 2007, to an "RM-5" Multiple-Family District, subject to the following:

   A That the applicant enter into a Zoning Agreement with the City pursuant to Section 240 (1) of the City of Winnipeg Charter, to include the following conditions:
      i. That the density shall not exceed 13 units
      ii. That buildings shall not exceed a height of 30 feet
      iii. That final plans showing the location, design and materials of the proposed buildings, the location and design of accessory parking areas, internal walkways, private approaches, fencing, and landscaping, shall:
         a. be approved by the Director of Planning, Property, and Development prior to the issuance of any development permits
         b. thereafter be maintained to the satisfaction of the Director of Planning, Property, and Development.

3. That a ten (10%) percent 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 the Director of Planning, Property and Development be authorized to certify any documents in connection therewith.

5. That in the event the application is not proceeded with expeditiously and the by-law is not enacted within twelve (12) 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 twelve (12) 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 by-law in accordance with the above.

7. 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, and the Zoning Agreement has been filed by caveat in the Winnipeg Land Titles Office against those lands provided that the said effective date occurs within twelve (12) months from the date that the said rezoning by-law is adopted by Council.

8. That the Plan of Subdivision shall be approved and signed by the Director of Planning, Property and Development within one (1) year of the date of passage of the aforementioned by-law.

9. That in the event that the necessary City of Winnipeg mylar approval signatures have not been secured within twelve (12) 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.

10. 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 Lord Selkirk-West Kildonan Community Committee provided the following supporting reason for its recommendation:

1. The Lord Selkirk-West Kildonan Community Committee agreed with the administrative comments contained in the report from the Planning and Land Use Division dated March 1, 2007.

PUBLIC HEARING SUMMARY

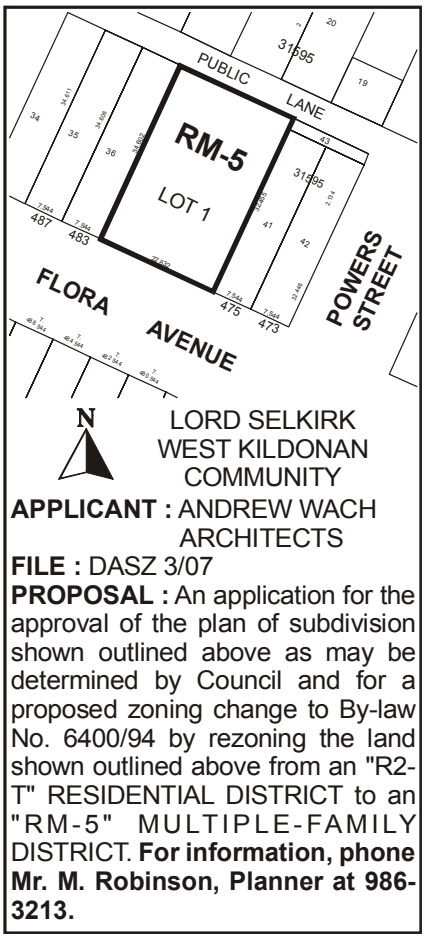
File: DASZ 3/2007 [c/r DCU 110170/2007D & DAV 108985/2007D]

Before: Lord Selkirk-West Kildonan Community Committee
Councillor Pagtakhan, Chairperson
Councillor Lazarenko

Public Hearing: March 12, 2007
West Committee Room
Council Building, 510 Main Street

Applicant: Andrew Wach Architects (Andrew Wach)

Subject:



Premises Affected: land located on the north side of Flora Avenue (between 475 and 483)

Exhibits Filed:

1. Application dated January 25, 2007
2. Notification of Public Hearing dated February 5, 2007
3. Manitoba Status of Titles 2196014, 2196017 and 219030
4. Letter of authorization dated November 27, 2006 from Ndinawemaaganag Endaawaad Inc. to Andrew Wach Architects
5. Plans (6 pages)
6. Site Plan
7. Report from the Planning and Land Use Division dated March 1, 2007
8. Inspection Report
9. Plans (2 pages) submitted at the public hearing by Andrew Wach, in support of the application

REPRESENTATIONS:

In Support:
Andrew Wach, Andrew Wach Architects

In Opposition
Nil

For the City:
Mr. M. Robinson, Planner, Planning, Property and Development Department

SUMMARIZATION OF REPRESENTATIONS AND SUBMISSIONS
MADE AT THE PUBLIC HEARING

Andrew Wach, of Andrew Wach Architects, appeared in support of the application and gave a brief overview of the proposed development of the Ndinawe youth housing project, which will accommodate twelve (12) youths approaching adulthood and transitioning into independent living. He indicated concurrence in the recommendations outlined in the report of the Planning and Land Use Division dated March 1, 2007 with the exception of the requirement for the ten per cent (10%) land dedication. In this connection, he requested that same be waived as the developer, Ndinawe, is a non-profit organization and cannot afford same. Mr. Wach added that the majority of the funding for this initiative is coming from the Winnipeg Housing and Homelessness Program. In response to the question as to the amount of dedication that would be payable, the Planner indicated it would only be ten per cent (10%) of the increased value of the rezoned land.

Exhibit "7" referred to in File DASZ 3/2007

Winnipeg

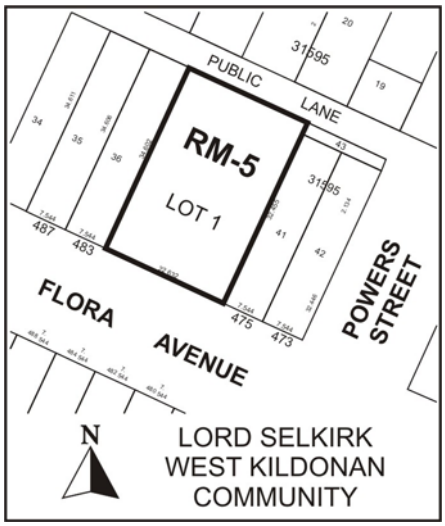
Planning, Property and Development Department Report

To the Lord Selkirk-West Kildonan Community Committee

Date: **March 1, 2007**
File: **DASZ 3/07**
Related Files: **DAV 07-108985/D, DCU 07-110170/D**
Subject: **Application to rezone the subject lands from "R2-T" Two-Family Transitional to "RM-5" Multiple-Family District for the purpose of constructing a 13-unit second stage youth housing development**

Location: **North Side Flora Avenue – between 475 & 483 Flora**

Legal Description:



Applicant: **Andrew Wach, Architect**

Owner: **Ndinawemaaganag Endaawaad Inc.**

Recommendation: **Approval**

Site Description
The subject property, which is zoned "R2" Two-Family, is located on Flora Avenue, between Powers and Andrews Streets, in the Dufferin neighbourhood of the Mynarski ward.
North: Commercial uses zoned "C1.5" Commercial
South: Residences zoned "R2-T" Residential
East: Residences zoned "R2-T" Residential
West: Residences zoned "R2-T" Residential

Background
Recently, ownership of the subject properties was transferred from the City of Winnipeg to Ndinawe for the purpose of developing second stage youth housing on the land.

Description of the Proposed Development
The applicant wishes to construct a 13-unit second stage youth housing development on the subject property. Second stage housing is for youth who are approaching adulthood and are transitioning into independent living.

Youth will live in self-contained apartments, with house parents living on site to provide 24-hour supervision. Programming will include life skills and personal development.

According to the applicant, the facility will not be licensed by the Province.

In order to establish the development at the density proposed, a rezoning to "RM-5" is required.

Analysis
Plan Winnipeg Compliance
The subject application constitutes redevelopment within a Neighbourhood Policy Area. Neighbourhood Policy Areas are intended to include a residential mix together with a variety of educational, recreational, institutional, commercial and possibly industrial uses, at a scale and density compatible with each other.

In addition, this development meets several key goals of Plan Winnipeg including *supporting neighbourhood revitalization* (1B-01iv) *facilitating the provision of safe and affordable housing* (1C-01), and *promoting compact urban form* (3A-02).

Public Input
The proposed use has support from many stakeholders in the area. To that point, the applicant has provided a letter of support from the North End Community Renewal Corporation (NECRC) as well as a petition of support from several residents in the area. At the time of this writing, no calls or letters in opposition to the application were received by the Planning and Land Use Division.

Servicing
According to the Water and Waste Department, there are adequate underground services to support the density being proposed for this development.

Site Design Issues
The subject property meets the majority of the design goals suggested by the Planning and Land Use Division. (Appendix 1)

However, it is recommended that final plans include further enhancement of the front façade. Some suggestions on ways to enhance the front façade are provided in Appendix 2.

In light of this, the Division recommends plan approval by the Director of Planning, Property, and Development to finalize site design details.

Recommendation

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

- There is broad community support for the use
- The development meets several key goals of Plan Winnipeg
- The use will provide a needed service to the community

Recommended Conditions of Approval

I. That the plan of subdivision proposed under File No. DASZ 3/2007 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File No. DASZ 3/2007, attached hereto and dated March 1, 2007, for registration in the Winnipeg Land Titles Office.

II 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 3/2007, attached hereto and dated March 1, 2007, to an "RM-5" Multiple-Family District, subject to the following:

A That the applicant enter into a Zoning Agreement with the City pursuant to Section 240 (1) of the City of Winnipeg Charter, to include the following conditions:

i. That the density shall not exceed 13 units
ii. That buildings shall not exceed a height of 30 feet

iii. That final plans showing the location, design and materials of the proposed buildings, the location and design of accessory parking areas, internal walkways, private approaches, fencing, and landscaping, shall:

a Be approved by the Director of Planning, Property, and Development prior to the issuance of any development permits

b Thereafter be maintained to the satisfaction of the Director of Planning, Property, and Development.

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

V. That, in the event the application is not proceeded with expeditiously and the by-law is not enacted within twelve (12) 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 twelve (12) 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 by-law in accordance with the above.

VII. 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, and the Zoning Agreement has been filed by caveat in the Winnipeg Land Titles Office against those lands provided that the said effective date occurs within twelve (12) months from the date that the said rezoning by-law is adopted by Council.

VIII. The Plan of Subdivision shall be approved and signed by the Director of Planning, Property and Development within one (1) year of the date of passage of the aforementioned by-law.

IX. That in the event that the necessary City of Winnipeg mylar approval signatures have not been secured within twelve (12) 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.

X. 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: Michael Robinson, AICP
PPD File # DASZ 3/2007

By-Law No. _____

File No. **DASZ 3/07**

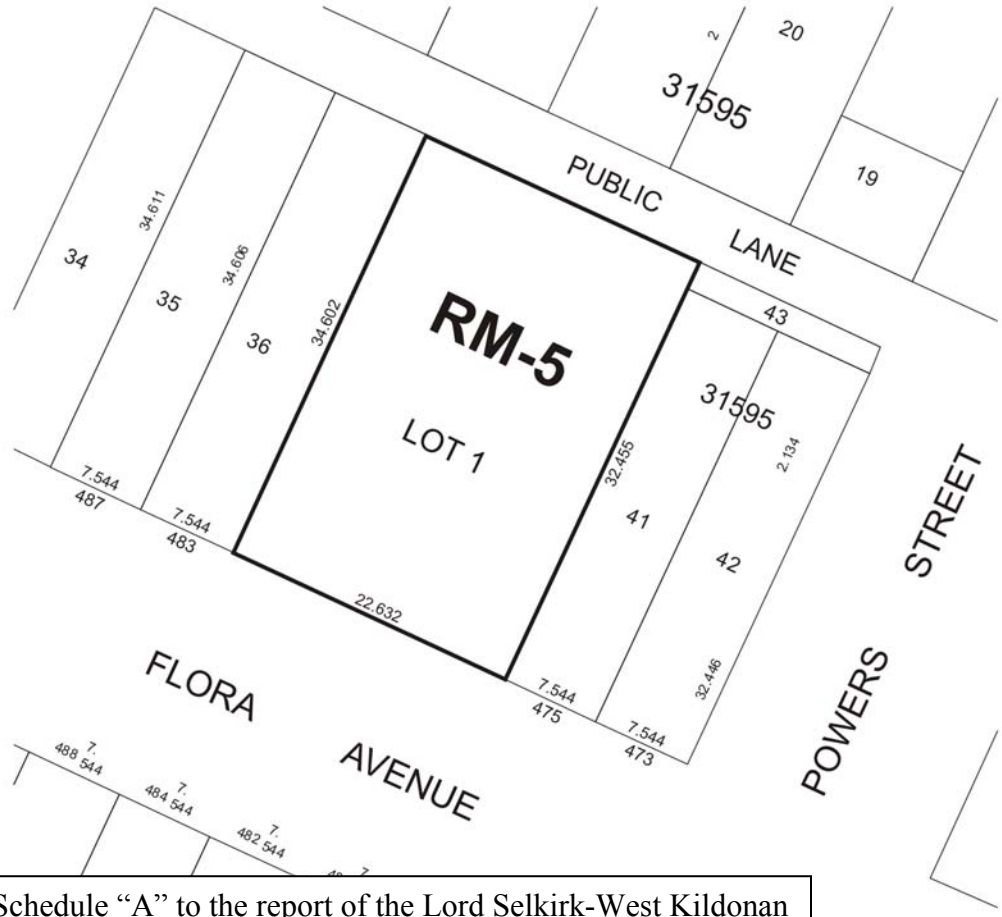
Explanation

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 on the north side of Flora Avenue from an "R2-T" RESIDENTIAL DISTRICT to an "RM-5" MULTIPLE-FAMILY DISTRICT as shown outlined below.

Atlas Sheet No. **X24**

N

LORD SELKIRK WEST KILDONAN COMMUNITY



Schedule "A" to the report of the Lord Selkirk-West Kildonan Community Committee for File DASZ 3/07, dated March 1, 2007

THIRD READING : _____ EFFECTIVE DATE : _____

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No. _____



Figure 1: Aerial (Flown in 2005)

Appendix 1

Design Goals

Parking and Access

- Access and parking should be accommodated in the rear of the property.
- Large parking areas should be effectively screened from adjacent properties

Open space

- You are encouraged to provide some form of private open space: patio, porch, deck, balcony, or yard.

Site Entry and Circulation

- You are encouraged to respect the street and locate your main entry so that it reinforces the street frontages

Setbacks

- To the extent possible, you are encouraged to maintain the existing setback patterns within the immediate vicinity of the building. Avoid locating a building far in front of or far behind the average setback lines of the four to five properties located on either side of the proposed development. Respect the side yard and rear yard setback lines prevalent in the area.

Height

- You are encouraged to try to relate the overall height of the new structure to that of adjacent structures and those of the immediate neighborhood. To the extent feasible, relate individual floor-to-floor heights to those of neighboring buildings.

Size and Bulk

- You are encouraged to relate the size and bulk of the new structure to the prevalent scale in other buildings in the immediate neighborhood.

Building Form

- Consider utilizing a variety of building forms and roof shapes rather than box-like forms with large, unvaried roofs. Consider how the building can be efficiently manipulated to create clusters of units, including variations in height, setback and roof shape. Make sure various forms and shapes work together to create a coherent whole.
- Avoid creating a building that look strange or out of place in the neighborhood. Consider a building image that that fits in with the image of good quality middle-income housing in the community.

Visual complexity

- Consider providing as much visual and architectural complexity as possible to the building's appearance while maintaining a hierarchy of scale and a unified overall form. Consider breaking a large building into smaller units or clusters.

Roof shape

- Consider relating the roof forms of the new building to those found in the neighborhood.

Appendix 2

Front Façade

Glazing

First Floor
The initial plan, dated July 12, 2006, shows more glazing in the first floor common living/dining area. The revised plan has reduced the amount of glazing and illustrates a different window pattern.

It was suggested that the initial plan with the wrap around glazing may open up the room, reduce the visual weight of the building, and provide a more residential feel from the street.

Additional glazing may help to counterbalance the solid wall on the west side of the façade.

Second Floor
It appears as if the doors leading out to the balconies are solid, with a small window on the side. Adding glazing to these doors may increase transparency on the front façade.

General
Rather than several large windows, is was suggested that dividing the front windows into pairs of smaller windows as drawn in the July 12, 2006 concept may help to create a finer scale to the front facade

Also, providing trim on the outside of the windows may create a more residentially styled appearance.

Entry
Front Entry
Consider the addition of French doors (or something similar) in the front, leading to a small patio that would tie into the side walkway. This may create a more residential feel and reflect the typical building pattern on the block.

Blank Wall
The blank wall in the front could be architecturally treated in some way to create visual interest. Some suggestions included cedar trim or a pattern in the stucco.

Similarly, there is an opportunity to increase the amount of landscaping in that corner of the building to provide some visual relief.