Agenda - Executive Policy Committee - January 22, 2003

Report - Standing Policy Committee on Property and Development - January 9, 2003

Item No. 1 Proposed Zoning Agreement Amendment - 223 Roslyn Road File ZAA 12/2002 [c/r DAV 917/2002D]

STANDING COMMITTEE RECOMMENDATION:

On January 9, 2003, the Standing Policy Committee on Property and Development concurred in the recommendation of the City Centre Community Committee, and recommended:

1. That Zoning Agreement Caveat No. 2574678 (DAZ 209/2000; By-law No. 7686/2000) be amended as follows:

    A. That Clause 4 be amended to read: "There shall be no more than eight (8) residential units located on the land."

    B. That Clause 5, requiring underground parking, be deleted.

2. That the City Solicitor/Manager of Legal Services be requested to prepare the necessary Amending Agreement to Zoning Agreement Caveat No. 257468 (DAZ 209/2000; By-law No. 7686/2000) as approved in Recommendation No. I.

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 Act.

Report - Standing Policy Committee on Property and Development - January 9, 2003

STANDING COMMITTEE RECOMMENDATION:

On January 9, 2003, the Standing Policy Committee on Property and Development concurred in the recommendation of the City Centre Community Committee, and submitted its recommendation to Executive Policy Committee and Council.

COMMUNITY COMMITTEE RECOMMENDATION**:**

On November 12, 2002, the City Centre Community Committee concurred in the administrative recommendation as amended, and submitted its recommendation to the Standing Policy Committee on Property and Development:

RE: **Proposed Zoning Agreement Amendment - 223 Roslyn Road**
File ZAA 12/2002 (c/r DAV 917/2002 D)

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

Prepared By: Carol Freeman, Clerk, City Centre Community Committee

Report date: **January 2, 2003**

COMMUNITY COMMITTEE RECOMMENDATION:

The City Centre Community Committee concurred in the administrative recommendation, as amended, and recommends to the Standing Policy Committee on Property and Development:

1. That Zoning Agreement Caveat No. 2574678 (DAZ 209/2000; By-Law 7686/2000) be amended as follows:

   A. That Clause 4 be amended to read: "There shall be no more than ***eight (8)*** residential units located on the land."

   B. That Clause 5, requiring underground parking, be deleted.

2. That the City Solicitor/Manager of Legal Services be requested to prepare the necessary Amending Agreement to Zoning Agreement Caveat No. 257468 (DAZ 209/2000; By-law No. 7686/2000) as approved in Recommendaiton No. I.

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 Act.

The City Centre Community Committee provided the following supporting reasons for its recommendation:

1. The Planning Division supports the density and scale of infill development in the older neighbourhoods of Fort Rouge.

2. The project is oriented towards Roslyn Road and is in keeping with the overall residential character of this street that is developed with a mix of high density and low-density housing.

3. The scale of the project (height, coverage, yards, parking) falls well within the requirements for single-family housing within the surrounding "R1-4" residential district on Roslyn Crescent.

4. The building presents a façade treatment that respects the mansion architecture in the Fort Rouge and Crescentwood neighbourhoods.

5. The building provides the required yards and the related zoning variances are not considered detrimental to the adjacent properties.

6. The buildings are sited to preserve as many existing trees as possible.

7. The proposed project is in keeping, in terms of appearance and scale with the previously approved condominium proposal, and, although the previous project provided underground parking for residents, the current plan eliminates the noise and visual impact of site circulation and visitor parking on the adjacent properties at 45, 55 and 61 Roslyn Crescent.

8. The proposed amendments to the Zoning Agreement eliminates underground parking and will enable a development that is financially viable given market characteristics and property values in the area.

9. The reduced rear yard is partially offset by the elimination, for adjacent residents to the north and west, of any noise and activity associated with the visitor parking and access ramp to the underground parking under the previous proposal.

10. The project will not harm property values or the neighbourhood and will be an improvement.

11. Approval of eight (8) units addresses the issue of density and allows for the preservation of trees.

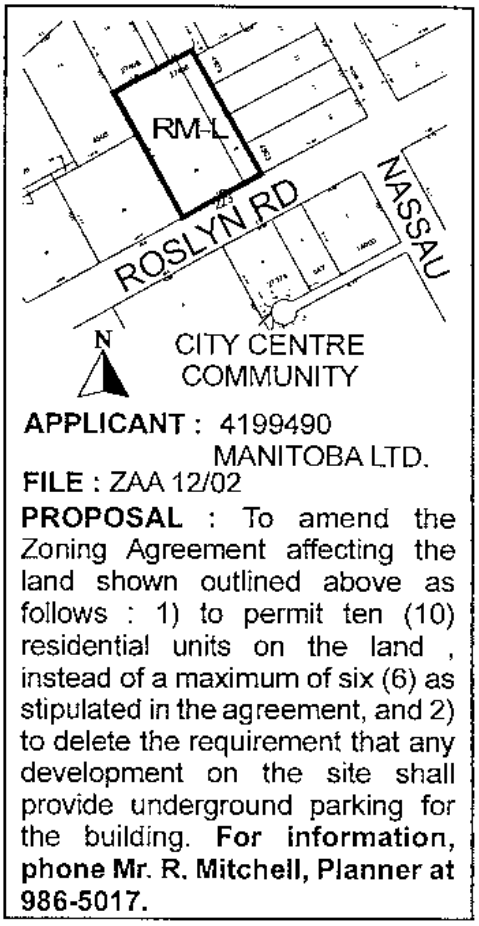
12. An underground parking garage does not appear to be feasible.

REPORT SUMMARY

Public Hearing:	November 12, 2002 Community Committee Chamber, 300 Assiniboine Avenue
Before:	City Centre Community Committee Councillor Gerbasi, Chairperson Councillor Smith Councillor Steek

Applicant: 4199490 Manitoba Ltd. (Jeffrey Badger)
223 Roslyn Road
Winnipeg, Manitoba
R3L 0H5

Subject:



Premises Affected: 223 Roslyn Road

Exhibits Filed:

1. Application dated September 20, 2002
2. Notification of Public Hearing to Applicant dated October 18, 2002
3. Manitoba Status of Title 1879117
4. Plans (8 pages)
5. Report from the Manager of Planning and Land Use dated December 2, 2002
6. Photograph of the site and Inspection Notice

7. Communication dated December 8, 2002, from Rod Zimmer, President, The Gatehouse Corporation, in support of the application
8. Communication dated December 9, 2002, from Rod Zimmer, President, The Gatehouse Corporation, amending his support to only eight (8) units on the site
9. Prepared presentation in support of the application submitted at the Public Hearing by Jeff Badger, 4199490 Manitoba Ltd., 1444 Wellington Crescent
10. Petition purporting to contain the signatures of twenty-two (22) residents of Roslyn Road and Roslyn Crescent in opposition to the application submitted at the Public Hearing by Martin Eva, 61 Roslyn Crescent
11. Plan illustrating the trees to be retained on the site submitted at the Public Hearing by Jeff Badger, 4199490 Manitoba Ltd., 1444 Wellington Crescent

REPRESENTATIONS:

In Support:

Jeff Badger, 4199490 Manitoba Ltd., 1444 Wellington Crescent, Winnipeg R3W 0B3
David Goyer, 200 - 909 Dorchester Avenue, Winnipeg, R3M 0P7
Alec Katz, 200 - 6 Roslyn Road, Winnipeg, R3L 0G5
Rod Zimmer, President, The Gatehouse Corporation, 229 Roslyn Road, Winnipeg, R3L 0H5

In Opposition:

Sandra Beaton, 300 Roslyn Road, Winnipeg, R3L 0H4
Norma Cameron and Bill Crook, 35 Roslyn Crescent, Winnipeg, R3L 0H6
Martin and Beth Eva, 61 Roslyn Crescent, Winnipeg, R3L 0H6
Lenore Hechter, 3 Roslyn Crescent, Winnipeg, R3L 0H6
Grant Henderson, 6 Roslyn Crescent, Winnipeg, R3L 0H7
Kathleen and Winston Leathers, 55 Roslyn Crescent, Winnipeg, R3L 0H6
Allen Mills, 21 Roslyn Crescent, Winnipeg, R3L 0H6
Jeannie Urbanski, 45 Roslyn Crescent, Winnipeg, R3L 0H6
Jim and Shirley Wasson, 64 Roslyn Crescent, Winnipeg, R3L 0H7

For Information:

Eileen E. George, 8J - 300 Roslyn Road, Winnipeg, R3L 0H4
Vera-Lynn Kubinec, 110 - 270 Roslyn Road, Winnipeg, R3L 0G9
Nancy Perrin, 9R - 300 Roslyn Road, Winnipeg, R3L 0H4

For the City:

Ross Mitchell, Senior Planner, Planning, Property and Development Department

SUMMARIZATION OF REPRESENTATIONS AND SUBMISSIONS
MADE AT THE PUBLIC HEARING ON THE SUBJECT MATTER

Jeff Badger, appearing in support of the application, submitted and read into the record a prepared presentation filed as Exhibit 9.

Mr. Badger advised he had been in the real estate business for over 25 years and provided a brief overview of previous developments he had been involved in. He indicated that to the rear and sides of the subject site were single family homes, across the street was a mansion while to the right were a number of high rise apartment buildings. He noted that some of the mansions had been divided into multi-unit as well as institutional uses.

Utilizing an outline of the project, comprised of two separate buildings, both two stories, one containing four (4) units on the southern portion of the property and the other six (6) at the rear of the site, Mr. Badger illustrated how the garages would line up along existing garages across the back lane. He indicated that the structure would be of Georgian design, with a metal mansard roof, and the windows would have the appearance of smaller panes. He advised that each unit would be approximately 1,400 square feet, contain either a balcony and/or a patio at grade, and each would have one parking space. In addition, seven (7) visitor parking spaces would be provided and the parking variance was required in order to save trees.

Mr. Badger advised that a public information meeting had been held on November 28, 2002, at which time concerns with respect to noise from the balconies/patios, vehicle access, traffic and fencing had been raised. He indicated he was of the opinion the development would provide benefits to the residents, including resolution of the drainage problems at the rear of the site as the result of a new improved back lane.

With respect to property values, he indicated that the minimum price of each unit would be $180,000.00 and most purchasers would likely request ten (10) to fifteen (15) per cent in upgrades. The landscaping was to be professionally done and maintained, and residents would not be allowed to do anything on an individual basis. In addition, no storage patios would be allowed on the exterior of the site, or recreational vehicles. All refuse and building supplies would be located at the rear of the site, while traffic would utilize the existing back lane to access Roslyn Road. Mr. Badger utilized a plan of the proposed development to illustrate the locations of the trees to be retained.

The Senior Planner advised that the Planning and Land Use Division was adamant that the character of Roslyn Crescent be retained in terms of the existing homes and if there had been any thought this development would do damage, or set a precedent for redevelopment, the

application would not have been supported. He suggested that the development was a reasonable proposal given the location of the property and, having worked with the applicant on other developments, he was confident the building and landscape detail would be very good.

Martin Eva, appearing in opposition to the application, advised that for over 20 years he had been involved in and was knowledgeable with respect to real estate matters, suggesting that he had spent more time in the field than the Senior Planner had in planning or the developer in developing the area. He noted that the subject site was surrounded by extreme density, the property in the area was zoned "R1-4" and the residents had thought the subject site was the same.

Mr. Eva provided background information on the subject site, describing how the house and property had fallen into disrepair, as well as the manner in which the remaining houses had been maintained and even upgraded. He suggested that the present owner had been aware of the existing zoning when the property had been purchased.

Mr. Eva indicated that the developer had said there had always been a plan to build ten (10) units and had anticipated support from the planner. He suggested that ten (10) units was excessive, surface parking for more than four (4) units was excessive and there was a market for something more upscale. He expressed concern that ten (10) units would diminish the value of houses surrounding the property, noting that the area contained a fixed number of lots and homes and there was no room for expansion or taking away "R1" residences.

He indicated that the application, if approved, was the thin edge of the wedge and others would apply. He noted that the adjacent property to the west had a significant area of developable land and, on the basis of density, could support four (4) units. The property immediately to the west of that could support six (6) or seven (7) and the owner had already been contacted about a proposal for condominiums, while his property could handle seventeen (17) units.

Mr. Eva further advised that more than half of the units at 55 Nassau Street require two (2) parking spaces and suggested that all of the proposed visitor parking would be occupied with owners' cars and visitors would be parking on the street. He indicated it was his belief there was a market for four (4) units with surface parking or six (6) with underground parking, priced at just over $200,000.00, which should be the maximum on the site. He submitted a petition purporting to contain the signatures of twenty-two (22) of the twenty-eight (28) residents in the area, filed as Exhibit 10.

Allen Mills, appearing in opposition to the application, suggested that approval of the application would increase the developer's property value while decreasing the property value of others. He noted that the density of the area was higher than that of Holland.

Mr. Mills advised that he had purchased his property in late August and while he had wondered about the piece of land at the rear, he had been assured there was a zoning agreement covering the land. He suggested that the developer had purchased the property knowing there was an

existing zoning agreement, which limited the number of units, and knowing the units required underground parking.

Bill Crook, appearing in opposition to the application, advised that he had two (2) brothers, both of whom reside in the area, one at 55 Nassau Street and the other across the road from himself. He noted that the area was very historic and stressed how important it was to ensure it remained as it was. He indicated he would be in support of a development comprised of four (4) units.

Norma Cameron, appearing in opposition to the application, advised that the residents had understood that the maximum development on the property would be six (6) units. She indicated that Roslyn Road/Crescent was an enclave among very high density, there was no parking on the street and the area was already very congested.

Kathleen Leathers, appearing in opposition to the application, advised that the area was a very successful residential area located in the downtown and she did not understand why developers continually threaten the community.

Mr. Badger advised that the property is located at the rear of the Crescent and had no access to the existing residential area. He advised he would be agreeable to decreasing the application to provide eight (8) units, the same bulk as previously with six (6) units, including garages, that is sixteen (16) parking spaces for eight (8) units. He indicated there would be no necessity for ramps or streets and the result would be more green space than the previous plan.

In reply please refer to / Référence à rappeler :

Ross Mitchell
(204) 986-5017
Fax / TJlJc. : (204) 986-3684

File No. ZAA 12/02 (c/r DAV 917/02D) December 2, 2002
Our c/f CP 500 (117)

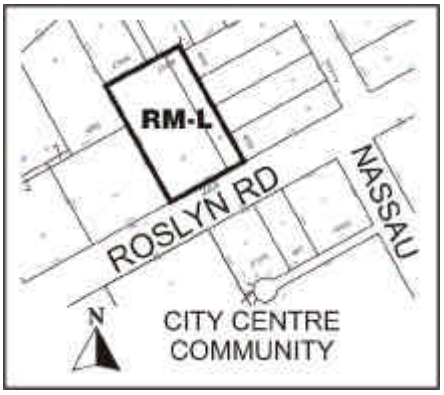
Carol Freeman, Clerk
City Centre Community Committee
Council Building
510 Main Street
Winnipeg, MB R3B 1B9

Dear Ms. Freeman:

ZONING AGREEMENT AMENDMENT
Location: 223 Roslyn Road
City Centre Community Committee
File No. ZAA 12/02

An application has been received from 4199490 Manitoba Ltd. (Jeffrey Badger), to amend the Zoning Agreement affecting the subject lands as follows: 1) to permit ten (10) residential units on the land instead of a maximum of six (6) as stipulated in the agreement, and 2) to delete the requirement that any development on the site provide underground parking for the building.

RELATED FILES: DAV 917/02D



SITE DESCRIPTION:

Site Area: 131.5 feet by 210 feet; 27,615 square feet.

Existing Land Use: vacant

Surrounding Land Use and Zoning:

North: single-family housing zoned "R1-4"
South: across Roslyn Road; multiple-family dwelling at 218 Roslyn Road zoned "RM-7"
East: single-family housing zoned "R1-4"
West: single-family housing zoned "R1-4"

DEVELOPMENT DESCRIPTION:

The previous approval granted for the site under DAZ 209/00 was for the construction of a two-storey, 6 unit condominium apartment building with underground parking for 12 cars and surface parking for 4 cars. The current proposal would increase the number of condominium units on the property to 10 and would eliminate the underground resident parking. The units would be located in two, 2-storey buildings. The southerly building would contain 4 units and would have a foot-print of roughly 56' by 50' (2,800 square feet). The northerly building would contain 6 units, with a foot-print of roughly 84' by 50' feet (4,200 square feet). The separation space between the two buildings is 20 feet.

Access: Vehicular access to the site would be provided via an existing, 28-foot wide easement that runs along the east property limit in favour of the four adjacent lots fronting Roslyn Crescent. The easement is developed as a gravel laneway providing access to the garages and rear yards of the Roslyn Crescent properties, and to a garage on the subject site built by the previous owner. The proposal is to widen the travelled portion of the easement to 20 feet and to surface the driveway with asphalt. The condo corporation would be responsible for maintaining the driveway.

The previously approved site plan for the development provided a circular drive off Roslyn Road for front door access to the condo building. The proposed plan is an improvement in that access is restricted to the existing lane, which will reduce the paved area and enable the preservation of additional trees.

Parking: The development requires 15 parking stalls under the by-law including 5 visitor stalls. It is proposed to locate the development parking along the west side of the access driveway. Each condo unit would be provided with garage parking for one vehicle. Three garage structures are proposed; a 4-stall garage for the southerly building and separate 2-stall and 4-stall garages for the northerly building. The footprint of the double garage is about 400 square feet. The footprint of the 4-car garages is about 800 square feet. The garages would be constructed with mansard roofs to match the condo buildings. The height of the garages would be about 12 feet. The garages would be separated by surface parking for visitors. A total of 6 visitor stalls is proposed. The site plan shows a visitor stall located in the required front yard. This stall may have to be moved to accommodate a garbage enclosure for the development.

Yards: For zoning purposes, the front yard of the development faces Roslyn Road. The development provides a 25' front yard to the south face of the 4-unit building. Part 3 of the related variance would permit the location of one visitor stall within the front yard at the southeast corner of the site. The 25' rear yard of the development borders the north property limit. The northerly, 4-car garage is permitted under zoning within the rear yard. The garage provides a 3' separation space to the property line, whereas the by-law requires 2'. The west side yard of the development borders 229 Roslyn Road and 61 Roslyn Crescent. The condo patios and second storey balconies will overlook the west side yard. The separation distance between the condo buildings and the west property line is about 19' to the balconies and 25' to the face of the principal building face. The elevation drawings submitted by the applicant show the patios and balconies unenclosed. The east side yard of the site incorporates the 28' driveway easement serving the houses fronting Roslyn Crescent.

Fencing and Landscaping: The site is treed with mature elms. The previous owner commissioned an inventory of the trees including their type, location and condition. The proposal is to preserve as many of the elms as possible, and to provide additional trees and shrubs where appropriate. No fencing is shown on the site plan. It may be appropriate to fence the west and north property limits. The minimum requirement would be a wooden fence with a maximum height of 6'6". Some of the adjacent properties are already fenced with either chain-link or wood. Prior to the issuance of a building permit, the applicant will have to submit a plan showing fencing and landscaping details. The existing site plan does not show a garbage enclosure. The required enclosure will likely be located beside the 4-car garage at the southeast corner of the property. The enclosure will have to be fenced and landscaped. The garage may have to be shifted to the north in order to locate the enclosure outside of the required front yard.

Building Bulk, Massing and Appearance: The applicant is proposing a Georgian style of building that resembles the previously approved, 6-unit condo in terms of bulk, scale and foot-print. The building face is articulated through the use of bay windows, balconies and porticos. The metal, mansard roof has a height of 28 feet to the parapet. The southerly building facades will be partially faced with tyndal stone, with stucco used on the remaining elevations. The design drawings show the windows with a mutton-bar treatment as a period detail. The garages will be constructed with stucco exteriors and metal mansard roofs. The City Centre Community Committee will finalize such details through the process of plan approval.

The building has been designed to compliment the Kantor mansion and reflect the historic architecture of Fort Rouge. The lot coverage is about 7,000 square feet for the condo buildings and 2,000 square feet for the garages, for a total coverage of 9,000 square feet or 33%. The previously approved development had a building footprint of about 6,540 square feet, which represents a lot coverage of about 24%. The maximum allowable lot coverage for the surrounding, R1-4 single-family zoning is 40% for principle buildings and accessory structures. The building height is about 28 feet, compared to the allowable height of 30 feet under the surrounding single-family zoning. The condo units provide floor areas of 1,375 and 1,448 square feet. The main floor units will have basements. The second floor suites are provided with balconies and the main floor suites are provided with covered patios. The existing "RM-L" zoning is the lowest density multiple-family zoning and permits 1 residential unit per 2,500

square feet of lot area. In the current case, the zoning would permit 11 residential units. However, based on the zoning agreement for the development approved under DAZ 209/00, the site is restricted to 6 units.

Zoning Variances: Parts 1 and 2 of the related variance application would permit a reduction in the building separation space between the 2 condo buildings and the 3 parking garages. Attaching the condo buildings and garages could eliminate the variances, but this would defeat the purpose of separating the structures so as to better conform to the neighbourhood scale. Part 3 of the variance would also allow a visitor parking stall to be located within the front yard. This may change depending upon the location of the garbage enclosure.

Urban Context: The site is situated amidst an enclave of single-family properties enclosed by Roslyn Road and Roslyn Crescent. The enclave includes 11 properties plus the subject site. Eight of these properties abut the subject site with rear or side lot lines. Bordering the site on the north and east sides are newer (mid-century and later), one and two storey, single-family houses fronting Roslyn Crescent. To the west lies the remaining buildings from the old Nanton estate including the gatehouse at 229 Roslyn Road and the stable at 61 Roslyn Crescent. The properties adjoining the east and west limits of the site are developed with garages and driveways adjacent to the subject site. Directly across Roslyn from the site is the Kantor mansion at 218 Roslyn Road, listed on the Historic Buildings Inventory. Also, the gates to the old Nanton estate to the west are listed on the Historic Buildings Conservation List as a Grade II structure.

PLAN WINNIPEG:

Plan Winnipeg supports residential infill development that is sensitive to the quality, density, and character of the housing in the existing neighbourhood.

ADMINISTRATIVE COMMENTS:

In terms of size and population, Roslyn is one of the smallest identified neighbourhoods in the City of Winnipeg. It has been given the distinction as a Neighbourhood Characterization Area because it retained its single-family character even as Osborne Village grew into one of the most densely populated neighbourhoods in the country. In this context it is understandable that adjacent residents are concerned about the current proposal to increase the allowable number of units on the property from 6 to 10. Crescent residents have substantial investments in their properties. A major concern is establishing a precedent for allowing further densification to erode the residential character of the area. However, the Development Management Branch *would not* support the demolition of single-family housing in Roslyn in order to promote apartment construction. The subject site is unique in that, regardless of the neighbourhood's disappointing experience with this property, it is currently vacant and awaiting development.

The Development Management Branch was very supportive of the previously approved project despite misgivings about its financial viability. As it turned out, the project was simply too ambitious given current construction costs and market conditions. The Branch is hopeful that the current proposal represents the smallest increase in the number of units necessary to make the project viable, in combination with the elimination of the underground parking.

The Division's support for the subject development is based on the following:

- The Division regularly supports this density and scale of infill development in the older neighbourhoods of Fort Rouge.
- The project is oriented towards Roslyn Road and is in keeping with the overall residential character of this street that is developed with a mix of high density and low density housing.
- In terms of zoning, the scale of the project (height, coverage, yards, parking) falls well within the requirements for single-family housing within the surrounding "R1-4" residential district on Roslyn Crescent.
- The building presents a façade treatment that respects the mansion architecture in the Fort Rouge and Crescentwood neighbourhoods.
- The building provides the required yards and the related zoning variances are not considered detrimental to the adjacent properties.
- The buildings are sited to preserve as many existing trees as possible.
- The proposed project is in keeping in terms of appearance and scale with the previously approved condo proposal and, although the previous project provided underground parking for residents, the current plan eliminates the noise and visual impact of site circulation and visitor parking on the adjacent properties at 45, 55 and 61 Roslyn Crescent.
- The proposed amendments to the Zoning Agreement, allowing 10 units and eliminating underground parking, would enable a development that is financially viable given market characteristics and property values in the area.

In summary, the physical changes from the 6-unit condo principally involve the addition of parking garages and the reduced separation between the north wall of the building and the north property limit. In terms of the garages, they are to be located on an existing lane easement serving houses at 3, 9, 15, and 21 Roslyn Crescent. In terms of the reduced rear yard, this is partially offset by the elimination, for adjacent residents to the north and west, of any noise and activity associated with the visitor parking and access ramp to the underground parking under the previous proposal.

RECOMMENDATION:

I. That Zoning Agreement Caveat No. 2574678 (DAZ 209/00; By-Law #7686/2000) be amended as follows:
   b) that Clause #4 be amended to read: "There shall be no more than ***ten (10)*** residential units located on the land."

c) That Clause #5, requiring underground parking, be deleted.

II. That the City Solicitor be requested to prepare the necessary Amending Agreement to Zoning Agreement Caveat No. 257468 (DAZ 209/00; By-Law #7686/2000) as approved in aforesaid Clause I.

III. That the Proper Officers of the City are hereby authorized to execute said Amending Agreement. be requested to do all things necessary for implementation in accordance with the terms of The City of Winnipeg Act.

IV. That the City Solicitor be requested to do all things necessary for implementation in accordance with the terms of The City of Winnipeg Act.

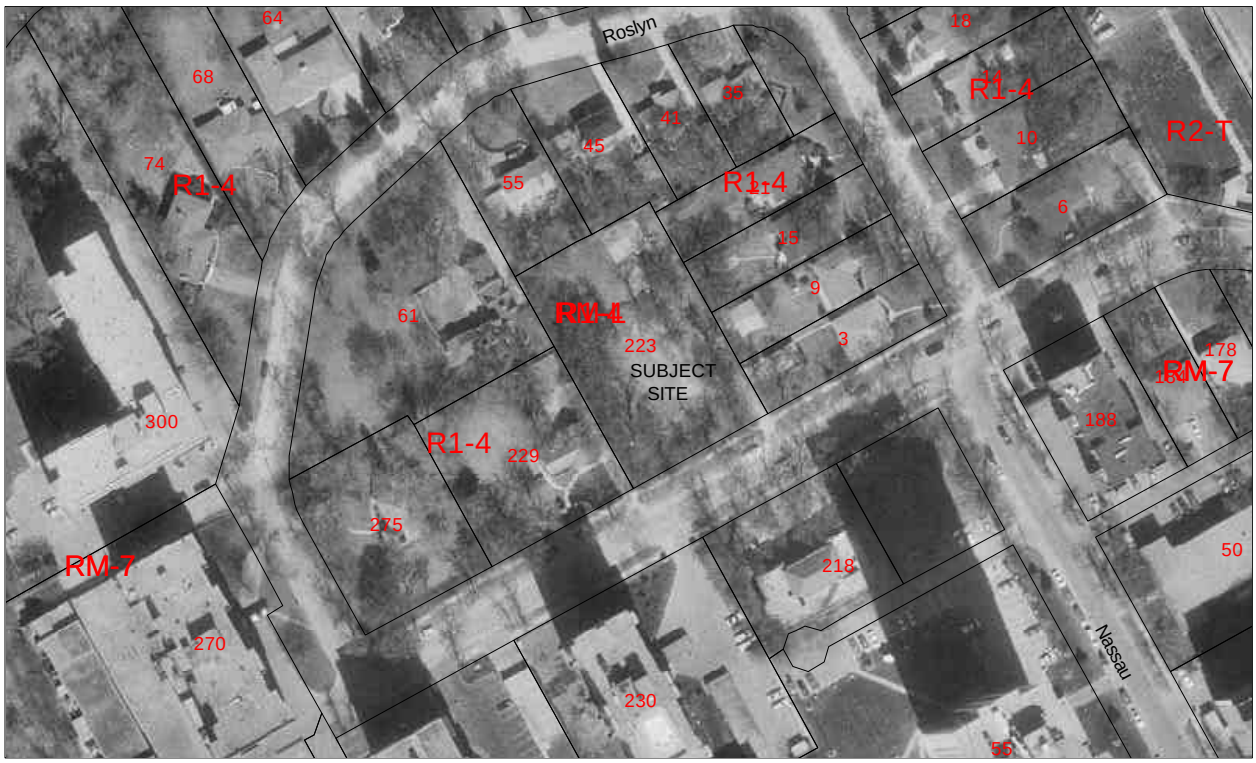
Yours truly,

V. Buckley
Manager of Planning and Land Use

_____

Per: Ross Mitchell, Senior Planner
(City Centre Community)
986-5017

/mf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