Report - Executive Policy Committee - June 25, 2008

Item No. 5 Rezoning - north of Portage Avenue, west of Langside Street, east of Furby Street, south of Furby Place (Daniel McIntyre Ward) File DAZ 202/2008 [c/r DAC 7/2008]

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On June 25, 2008, the Executive Policy Committee concurred in the recommendation of the City Centre Community Committee and submits the following to Council:

1. That The Winnipeg Zoning By-law No. 200/2006 be amended by rezoning the subject land as shown on Schedule "A" for File DAZ 202/2008 dated May 30, 2008, to a CMU Commercial Mixed Use 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 there shall be no advertising signs, mobile signs, poster signs and A-frame signs on the entire site, except that a mobile sign shall be permitted on the site for a period of thirty (30) days in association with a new occupancy permit.

        ii. That for the development of any building and/or accessory parking area and/or signage, 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 signage to the Director of Planning, Property and Development for plan approval prior to the issuance of any building or development permit, and thereafter all to be maintained to the satisfaction of the Director of Planning, Property and Development.

2. 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 market value of the land.

Report - Executive Policy Committee - June 25, 2008

3. 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.

4. 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.

5. That the zoning section of the by-law comes into force when the Zoning Agreement is registered in the Winnipeg Land Titles Office by caveat against the subject lands, provided that the said effective date occurs within one year from the date by-law is passed.

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

7. 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 - Executive Policy Committee - June 25, 2008

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On June 25, 2008, the Executive Policy Committee concurred in the recommendation of the City Centre Community Committee and submitted the matter to Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On June 17, 2008, the City Centre Community Committee concurred in the recommendation of the Winnipeg Public Service and, via the Priority Rezoning Process, submitted its recommendation to the Executive Policy Committee.

RE: **Rezoning - north of Portage Avenue, west of Langside Street, east of Furby Street, south of Furby Place**
File DAZ 202/2008 [c/r DAC 7/2008, DAV 107662/2008D and DCU 109179/2008D]

For submission to: **Executive Policy Committee**

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

Report date: **June 18, 2008**

COMMUNITY COMMITTEE RECOMMENDATION:

On June 17, 2008, the City Centre Community Committee concurred in the recommendation of the Winnipeg Public Service and, via the Priority Rezoning Process, recommends to the Executive Policy Committee:

1. That The Winnipeg Zoning By-law No. 200/2006 be amended by rezoning the subject land as shown on Schedule "A" for File DAZ 202/2008 dated May 30, 2008, to a CMU Commercial Mixed Use 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 there shall be no advertising signs, mobile signs, poster signs and A-frame signs on the entire site, except that a mobile sign shall be permitted on the site for a period of thirty (30) days in association with a new occupancy permit.

        ii. That for the development of any building and/or accessory parking area and/or signage, 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 signage to the Director of Planning, Property and Development for plan approval prior to the issuance of any building or development permit, and thereafter all to be maintained to the satisfaction of the Director of Planning, Property and Development.

2. 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 market value of the land.

3. 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.

4. 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.

5. That the zoning section of the by-law comes into force when the Zoning Agreement is registered in the Winnipeg Land Titles Office by caveat against the subject lands, provided that the said effective date occurs within one year from the date by-law is passed.

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

7. 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 an enhancement of education facility

2. The proposal is a positive addition

3. There is no reason to oppose the proposal.

PUBLIC HEARING SUMMARY

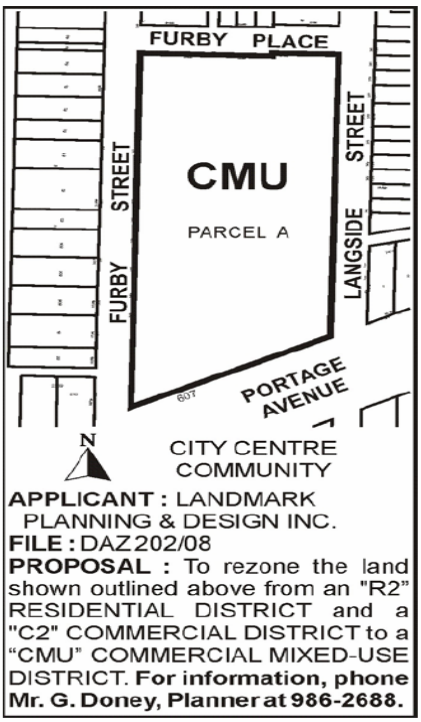
File: DAZ 202/2008 [c/r DAC 7/2008, DAV 107662/2008D and DCU 109179/2008D]

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

Hearing: June 17, 2008
North Committee Room
Council Building, 510 Main Street

Applicant: Landmark Planning and Design Inc. (Donovan Toews)

Subject:



Premises Affected: north of Portage Avenue, west of Langside Street, east of Furby Street, south of Furby Place

Exhibits Filed:
1. Application dated May 7, 2008
2. Notification of Public Hearing dated May 23, 2008

3. Manitoba Status of Titles 2239782, 2239808, 2239810, 2239811, 2239812, 2239904, 2239906, 2239914, 2239915, 2239919, 2239920, 2239922, 2239936, 2239939, 2239940, 2239943, 2239944, 2239958, 2239959, 2239962, 2239964, 2239965, 2239966, 2239968, 2239969, 2239971, 2239972, 2239973, 2239974, 2239975, 2239976, 2239979
4. Letter of authorization dated November 29, 2007 from The University of Winnipeg to Landmark Planning and Design Inc.
5. Plans (2 pages)
6. Report from the Planning and Land Use Division dated May 30, 2008
7. Inspection Report
8 Photographs (8) and site plan in support of the application submitted by the applicant
9. Audio Recording of representations

REPRESENTATIONS:

In Support:

Hijab Musba
Jennifer M. Rattray, University of Winnipeg
Donovan Toews, Landmark Planning and Design Inc.

In Opposition:

Nil

For Information:

Nil

For the City:

Mr. G. Doney, Senior Planner, Planning, Property and Development Department

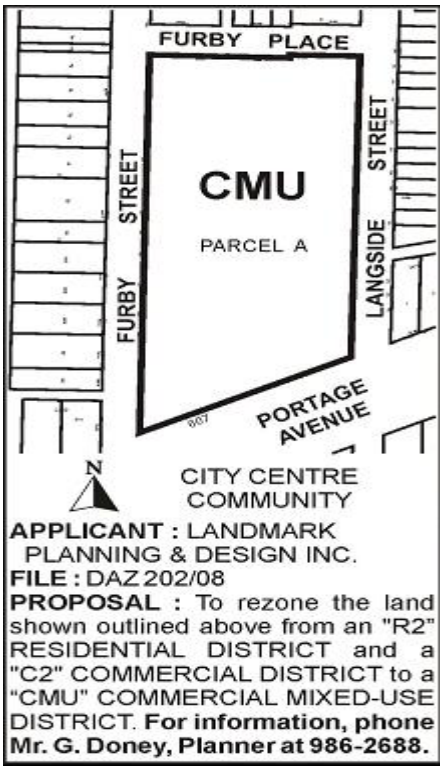
Exhibit "6" referred to in File DAZ 202/2008 [c/r DAC 7/2008, DAV 107662/2008D and DCU 109179/2008D

Winnipeg

Planning, Property and Development Department Report

To the City Centre Community Committee

Date:	**May 30, 2008**
File:	**DAZ 202/2008**
Related Files:	**DAV 08-107662/D, DCU 08-109179/D and DAC 7/08**
Subject:	To rezone the subject land from **C2** *Community Commercial District* and **R2** *Residential Two-Family District* to **CMU** *Commercial Mixed Use District* to allow the expansion of the University of Winnipeg on the subject land with the construction of the *Richardson College for the Environment*, a residential building, a daycare and surface parking.
Location:	**Subject land bounded by Portage Avenue, Langside and Furby Streets and Furby Place.**



Applicant: **Landmark Planning and Design, c/o Donovan Toews**

Owner: **The University of Winnipeg**

Recommendation: *Approved with conditions*

Report Summary: The proposal is construct:

- the *Richardson College for the Environment* with educational facilities and commercial office and retail space;
- a building with 24 dwelling units and a single-room occupancy use for housing approximately 150 students;
- a daycare building; and
- surface parking.

The proposed rezoning to **CMU** *Commercial Mixed Use District* would allow the development of the subject land to an intensity that would not overwhelm users of lands in the immediate vicinity and would:

- provide retail sales and services, including a daycare, to the vicinity;
- increase the vitality of the area as well as demand for retail and other services;
- to a significant degree, enhance the sense of safety of the area;
- provide outdoor amenity space with the creation of a plaza and a front yard approximately 10.8 feet in depth; and
- be generally compatible with existing zoning and development, given the creation of a plaza, the locations of building entrances and the heights and setbacks of the proposed buildings.

Site Description

The subject land:

- is in the Spence Neighbourhood of the Daniel McIntyre ward;
- is bounded by Portage Avenue, Langside and Furby Streets and Furby Place;
- is partly in a **C2** *Commercial Community District* and partly in an **R2** *Residential Two-Family District*, as shown in Figure 2; and
- is vacant, as shown in Figure 3.

As shown in Figure 2:

- southwest, west and northwest of the subject land are C2 *Commercial Community Districts*;
- north, northeast and east of the subject land are R2 *Residential Two-Family District*s;
- east and southeast of the subject land are C2 *Commercial Community Districts*; and
- south of the subject land is an RMF-L *Residential Multiple Family District* (400 square feet of lot area per dwelling unit).

As shown in Figure 3:

- southwest of the subject land is a one-storey auto dealership;
- west and northwest of the subject land are commercial uses, non-accessory surface parking, a multiple-family dwelling, a single-room occupancy use (rooming house), office uses and a place of worship;
- the place of worship building is approximately 30 feet in height and the other buildings vary from one to three storeys;
- north and northeast of the subject land are a two-family dwelling, a six-storey multiple-family dwelling (with the only windows in a stairway facing south) and a two-storey multiple-family dwelling;
- east of the subject land are three contiguous vacant lots, non-accessory surface parking and the following buildings ranging from 1 ½ to 2 ½ storeys – single-family dwellings, a two-family dwelling, a single-room occupancy use and a commercial use; and
- southeast and south of the proposal site are a one storey vacant building and an 18 storey multiple-family dwelling.

Where the following public streets are adjacent to the subject land:

- Portage Avenue is approximately 132 feet wide;
- Langside Street is 50 feet wide;
- Furby Street is 50 feet wide; and
- Furby Place is 50 feet wide.

Background

Prior to the subject land being cleared of buildings, it encompassed a roller skating rink, several houses, an auto dealership and other commercial uses as well as vacant land.

Description of the Proposed Development

The proposal is construct:

- the *Richardson College for the Environment* with educational facilities and commercial office and retail space;
- a building with 24 dwelling units and a single-room occupancy use for housing approximately 150 students;
- a daycare building; and
- surface parking.

Richardson College for the Environment is to be:

- alongside Furby Street and Portage Avenue; and
- three storeys in its southerly portion and four storeys in its northerly portion with a greenhouse on a relatively small are of the roof of the four storey portion

The building with dwelling units and a single-room occupancy use is to be:

- alongside Langside Street; and
- six storeys.

The daycare centre would be adjacent to Furby Place and only one storey.

The surface parking is to be alongside Furby Place and Furby street.

Analysis

Plan Winnipeg

- The subject land is in a Neighbourhood policy area as per *Plan Winnipeg 2020 Vision.*
- **CMU** *Commercial Mixed-Use Districts* are allowed in this policy area.

Zoning

- For **CMU** *Commercial Mixed Use Districts*, the minimum front, side and rear yard requirements and the maximum building height requirement are zero, zero, 25 and 60 feet, respectively and the maximum floor area ratio is 3.0;
- For **R2** *Residential Two-Family Districts,* the minimum front and side yard requirements and the maximum building height requirement are 20, four and 35 feet, respectively;
- For **C2** *Commercial Community Districts,* the minimum front and corner-side yard requirements and the maximum building height requirement are zero, zero and 49 feet, respectively; and
- For **RMF-L** *Residential Multiple Family Districts* (400 square feet of lot area per dwelling unit), the minimum front yard and the maximum building height requirements are 25 and 150 feet, respectively.

Zoning By-Law No. 200/2006 Issues

To allow for the development to proceed in anticipation of the rezoning of the subject land to **CMU** District:

- conditional use approval is required to permit the establishment of a multiple-family dwelling use in the **R2** District and the establishment of a single room occupancy use exceeding 12 beds in the proposed **CMU** District;
- variances to the **R2** District standards are required to permit the establishment of a single-room occupancy use and a college or university use, to allow the construction of the residential building with east-side and rear yards less than the minimum depth requirements and a building height greater than the maximum height requirement;

- variances to the **C2** District standards to allow the construction of the residential building and the *Richardson College for the Environment* with building heights greater than the maximum height requirements; and
- variances to the proposed **CMU** District standards are required for the construction of the daycare centre with a rear yard of zero (less than the minimum depth requirement) and for the construction of the residential building and the *Richardson College for the Environment* with building heights greater than the maximum height requirement.

Decisions with-respect-to the aforementioned conditional use and variance applications can be appealed.

Transportation and Site Access

- Given that the subject land is adjacent to Portage Avenue, a major regional street, and that Langside and Furby Streets intersect Portage Avnue, the subject land is conveniently accessible and is adjacent to several Winnipeg Transit bus routes.
- Winnipeg Transit suggests that the main entry vestibule to *Richardson College for the Environment* could provide shelter for Winnipeg Transit users.
- Two private approaches that would connect the surface parking area with Furby Street are proposed.
- A plan to connect the subject land to the main campus of the University of Winnipeg by means of a pedestrian path is being implemented whereby the University has removed houses at 379, 381 and 383 Langside Street

Servicing

If the proposal proceeds, servicing issues will be dealt with prior to the issuance of any development permit. The Water and Waste Department will require a detailed servicing report and analysis, prepared by a qualified engineer.

Site Design

The main entrances to:
- the *Richardson College for the Environment* and to the student housing are shown to be from a proposed plaza, extending north and, to a lesser degree, west from the southeast corner of the subject land;
- the dwelling units are to be from Langside Street with one entrance per dwelling unit; and
- the daycare is to be from Furby Place.

The *Richardson College for the Environment* is to be approximately 10.8 feet from Portage Avenue, thereby providing an area for outdoor amenities, such as a patio café.

Regarding the six-storey residential building:

- each dwelling unit would be two storeys and approximately 3.3 feet from Langside Street; and
- the single-room occupancies for student housing would be four storeys and above the dwelling units, thereby making the residential building a six storey structure;
- the four storey portion would be curvilinear in plan and would be setback from the fronts of the dwelling units by approximately 7.6 feet at a northerly portion of the building and by approximately 34 feet at a southerly portion, which would be across Langside Street from two single-family dwellings and a single-room occupancy use.

Compatibility With Existing Uses in the Immediate Vicinity of the Subject Land

Given the existing variety of uses and intensities thereof and the variety of zoning districts in the immediate vicinity of the subject land (as shown in Figures 2 and 3), the proposed uses of, and locations of main entrances to, *Richardson College for the Environment*, the dwelling units, student housing and the daycare centre would most likely be at an intensity that would not overwhelm users of lands in the immediate vicinity and would:

- provide retail sales and services, including a daycare, to the vicinity;
- increase the vitality of the area as well as demand for retail and other services; and
- to a significant degree, enhance the sense of safety of the area.

Compatibility with Existing Zoning and Development in the Immediate Vicinity of the Subject Land

Given the heights and setbacks proposed for the development, it is generally compatible with existing zoning and development.

However, based on existing and proposed zoning districts, compatibility of the proposed development with existing zoning districts and development in the vicinity could be enhanced as follows:

- the minimum yard depth for the subject land could be the median of the yard depth requirements of the proposed **CMU** *Commercial Mixed Use District* and the district the subject land is across the street from, except for Portage Avenue because the districts across Furby and Langside Streets are typical for this portion of Portage Avenue rather than the district across Portage Avenue; and
- the median of the height requirements could be determined the same way as the medians of the yard depth requirements;
- using the median heights, the median yard depths and the width of the adjacent public streets, a maximum clear view of the sky angle from grade level at the limits of the public streets, adjacent to the subject land, that are across from the subject land can be determined; and
- the height of any building could be limited to no higher than a plane that is coincident with the aforementioned clear view of the sky angle.

Therefore, using the aforementioned approach, the resulting *quantitative guidelines* for enhancing compatibility can be:

- no front or west-side yards, a 10 foot deep east-side yard and a 14.5 foot deep rear yard for the subject land; and
- a minimum clear view of the sky angle, from grade level and:
  - the southern limit of Portage Avenue up towards the subject land, and perpendicular to said public street, would be 22 degrees,
  - the eastern limit of Langside Street, south of 367 Langside, up towards the subject land, and perpendicular to said public street, would be 65 degrees,
  - the eastern limit of Langside Street, north of 363 Langside, up towards the subject land, and perpendicular to said public street, would be 38 degrees,
  - the northern limit of Furby Place up towards the subject land, and perpendicular to said public street, would be 36 degrees and
  - the western limit of Furby Street up towards the subject land, and perpendicular to said public street, would be 65 degrees.

Recommendation

The Planning and Land Use Division recommends approval of the proposed rezoning to **CMU** *Commercial Mixed Use District* because it would allow the development of the subject land to an intensity that would not overwhelm users of lands in the immediate vicinity and would:

- provide retail sales and services, including a daycare, to the vicinity;
- increase the vitality of the area as well as demand for retail and other services;
- to a significant degree, enhance the sense of safety of the area;
- provide outdoor amenity space with the creation of a plaza and a front yard approximately 10.8 feet in depth; and
- be generally compatible with existing zoning and development, given the creation of a plaza, the locations of building entrances and the heights and setbacks of the proposed buildings.

The Planning and Land Use Division encourages the applicant, where practical, to modify the design to:

- include a shelter for Winnipeg Transit users at the main entrance to the *Richardson College for the Environment*;
- to take into consideration the following quantitative guidelines for yard depths - no front or west-side yards (except where outdoor amenity space is proposed), a 10 foot deep east-side yard and a 14.5 foot deep rear yard for the subject land; and
- to take into consideration the following quantitative guidelines for providing clear views of the sky from grade, at -
  - the southern limit of Portage Avenue up towards the subject land, and perpendicular to said public street, at an angle of 22 degrees,
  - the eastern limit of Langside Street, south of 367 Langside, up towards the subject land, and perpendicular to said public street, at an angle of 65 degrees,

- the eastern limit of Langside Street, north of 363 Langside, up towards the subject land, and perpendicular to said public street, at an angle of 38 degrees,
- the northern limit of Furby Place up towards the subject land, and perpendicular to said public street, at an angle of 36 degrees and
- the western limit of Furby Street up towards the subject land, and perpendicular to said public street, at an angle of 65 degrees.

The Planning and Land Use Division recommends approval of the proposed rezoning to **CMU** *Commercial Mixed Use District* with a condition of approval being that site/building plans, etc. shall be submitted to the **Director of Planning, Property and Development** for approval to ensure that the final design of the development is compatible with the surrounding neighbourhood.

Recommended Conditions of Approval

1. That The Winnipeg Zoning By-law No. 200/06 be amended by rezoning the subject land as shown on Schedule "A" for File DAZ 202/2008 dated May 30, 2008, to a CMU *Commercial Mixed Use 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 there shall be no advertising signs, mobile signs, poster signs and A-frame signs on the entire site, except that a mobile sign shall be permitted on the site for a period of thirty (30) days in association with a new occupancy permit.
      ii. That for the development of any building and/or accessory parking area and/or signage 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 signage to the Director of Planning, Property and Development for plan approval prior to the issuance of any building or development permit, and thereafter all to be maintained to the satisfaction of the Director of Planning, Property and Development.

2. 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 market value of the land.

3. 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.

4. 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.

5. That the zoning section of the by-law comes into force when the Zoning Agreement is registered in the Winnipeg Land Titles Office by caveat against the subject lands, provided that the said effective date occurs within one year from the date by-law is passed.

6. That the proper officers of the City are hereby authorized to execute said Zoning Agreement.

7. 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: J. Glen Doney
PPD File DAZ 202/08

Schedule "A"

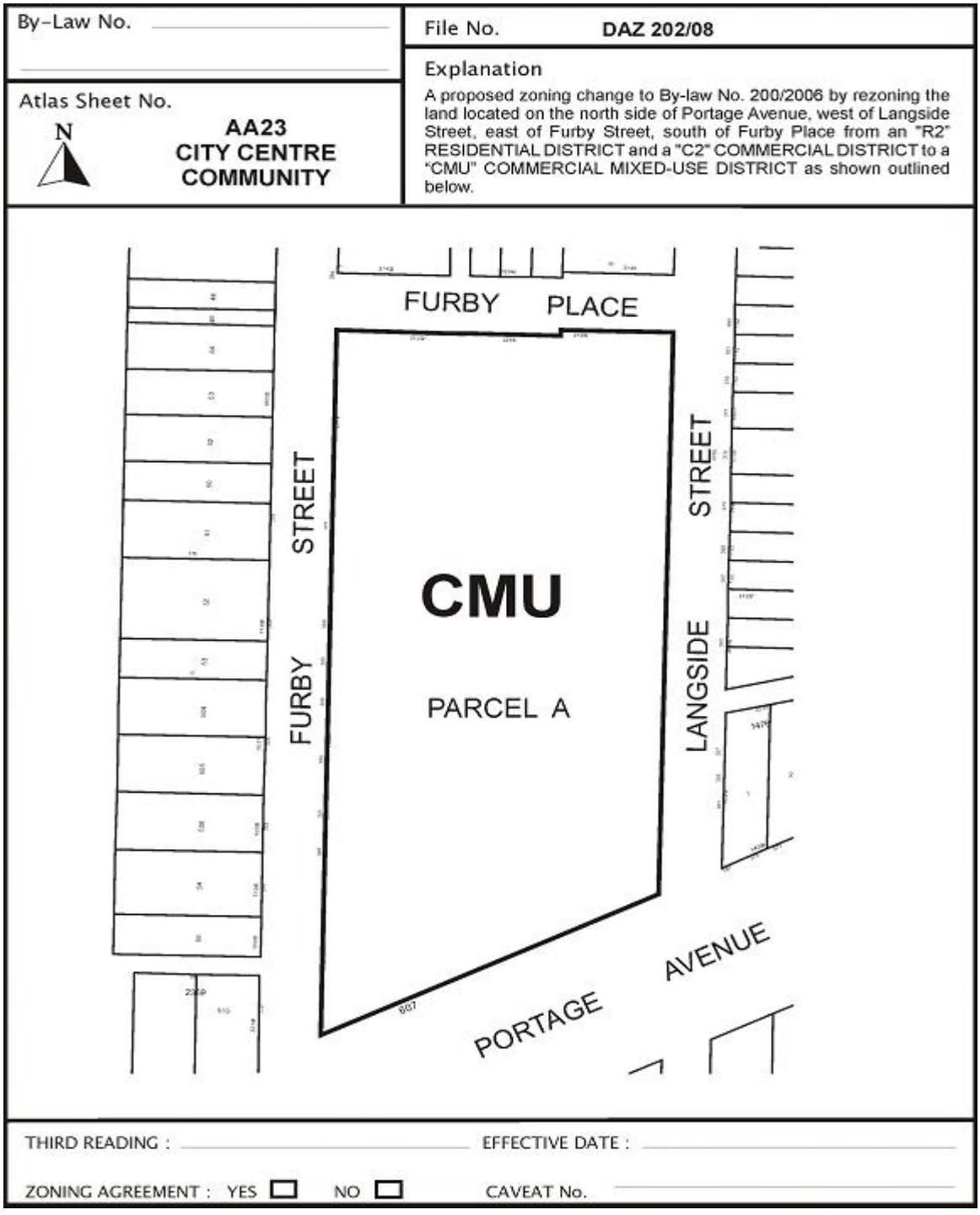


Figure 1: Schedule "A" to the report to the City Centre Community Committee for File DAZ 202/2008, dated May 30, 2008

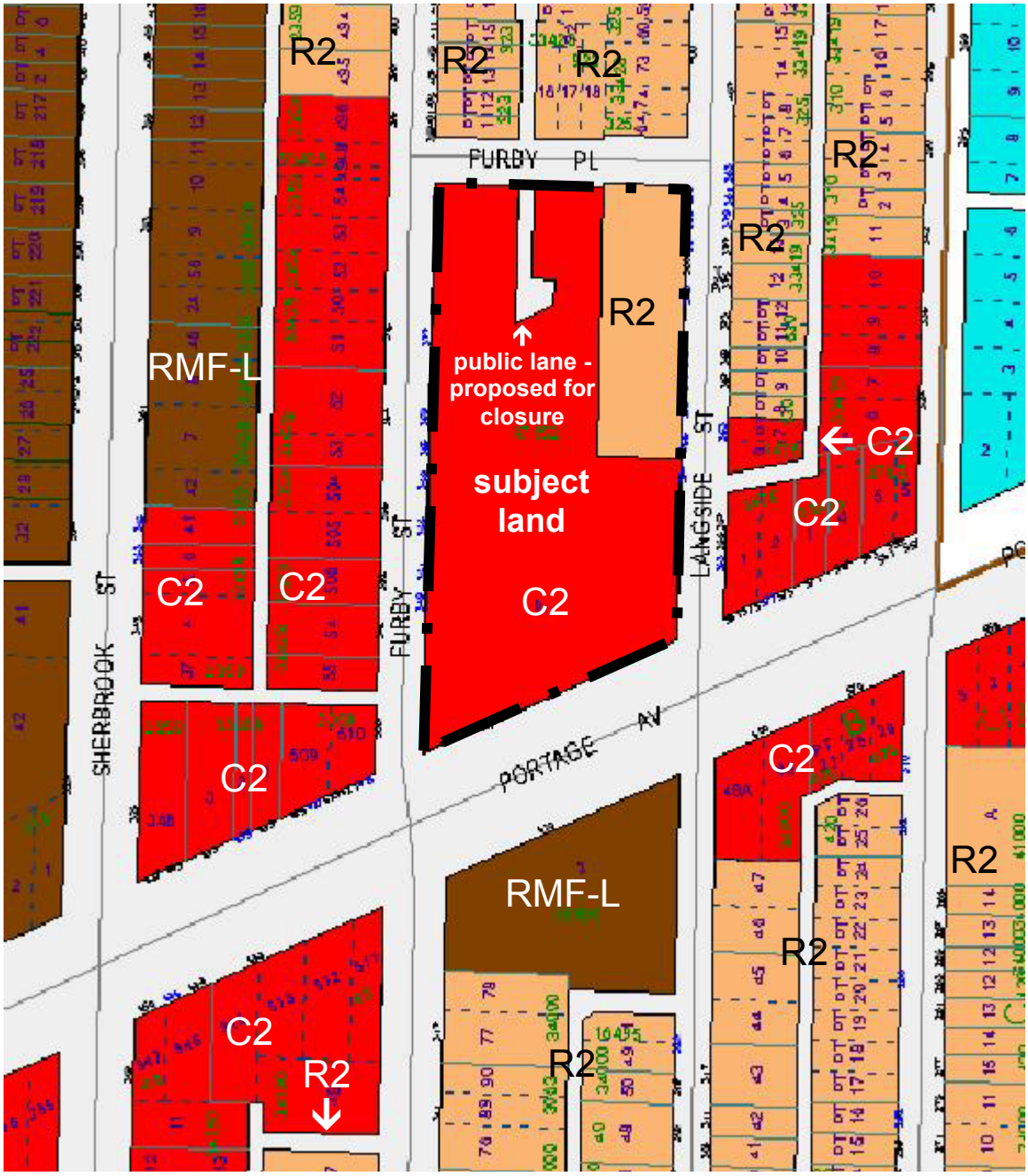


Figure 2: Existing Zoning

May 30, 2008

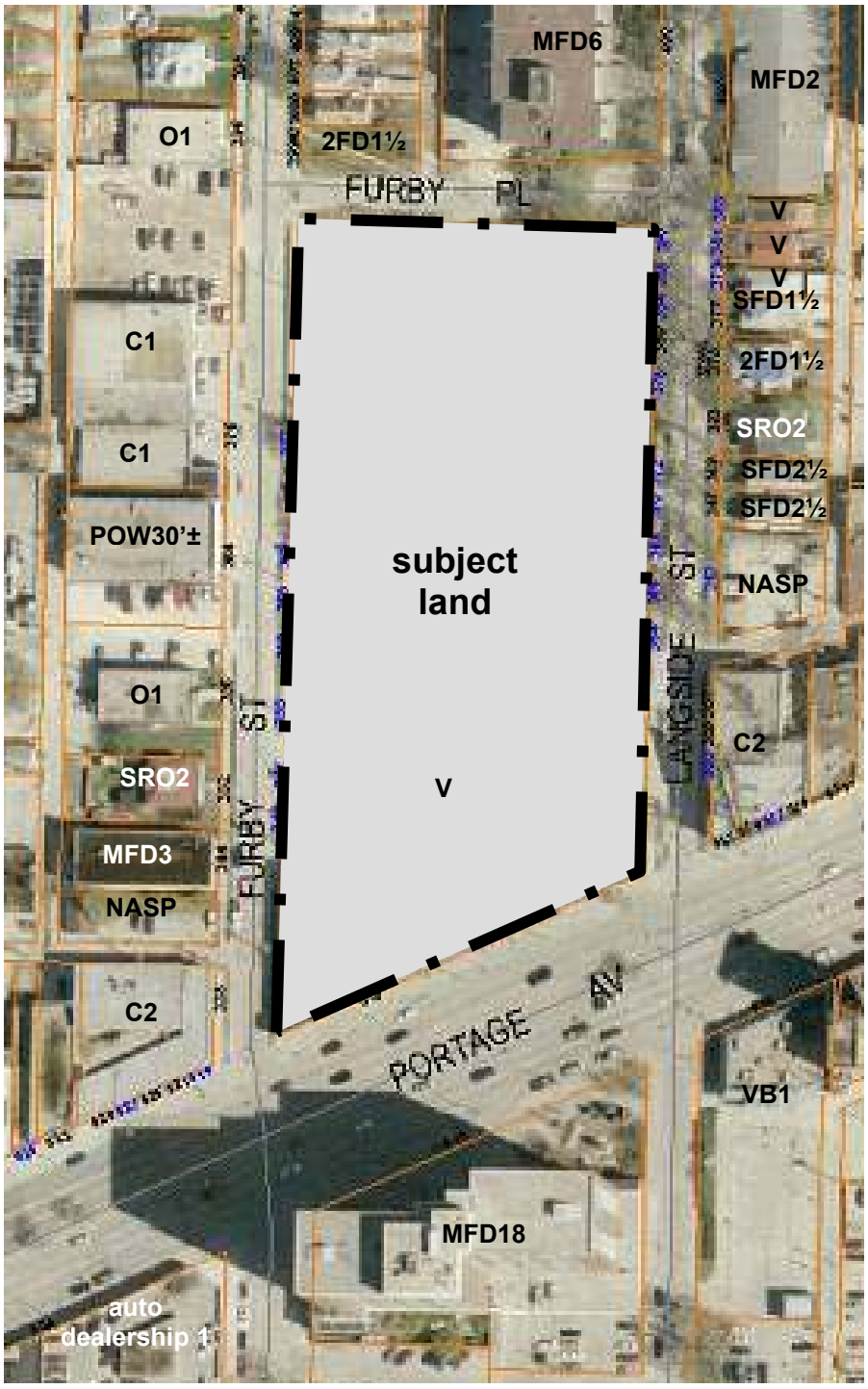


Figure 3: Existing Land Use, 2005 aerial photography

Legend

SFD2	single-family dwelling, 2 storeys
2FD2½	two-family dwelling, 2 ½ storeys
MFD18	multiple-family dwelling, 18 storeys
SRO2	single-room occupancy, 2 storeys
POW30'±	place of worship, approx. 30' height
NASP	non-accessory surface parking
C2	commercial, 2 storeys
O1	office, 1 storey
V	vacant land
VB1	vacant building, 1 storey