Minute No. 283
Report - Standing Policy Committee on Property and Development - March 3, 2009

Item No. 7 **Rezoning - 350 Lodge Avenue**
(St. James-Brooklands Ward)
File DAZ 237/2008

COUNCIL DECISION:

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

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 237/2008 dated February 20, 2009, to an 'RMF-M' Residential Multi-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 location of buildings shall be in substantial conformance with the revised plans submitted, identified as Exhibit "14" for DAZ 237/2008, Proposed Housing Development Conceptual Masterplan, dated February 13, 2009.

      ii. That plans shall be submitted showing the location, design, and elevations of the proposed buildings; the location and design of accessory parking areas, pedestrian pathways, garbage enclosures, exterior lighting, fencing and landscaping to the Assiniboia Community Committee and the Director of Planning, Property and Development for plan approval prior to the issuance of any building or development permit, and thereafter to be maintained to the satisfaction of the Director of Planning, Property and Development.

      iii. That the design, layout, and construction of the internal vehicular circulation system for the entire site shall be to the satisfaction of the Director of Public Works and the Chief of Fire and Paramedic Service.

      iv. That the density of development shall not exceed 132 dwelling units.

      v. That no building greater than 35 feet in height shall be located within 100 feet of the east and west property lines.

      vi. That no building shall be greater than greater than 40 feet in height.

Report - Standing Policy Committee on Property and Development - March 3, 2009

COUNCIL DECISION (continued):

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, said money to be utilized for the redevelopment of green space for the Sturgeon Creek Community Centre.

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 Acting 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 Acting 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 - March 3, 2009

DECISION MAKING HISTORY:

Moved by Councillor Fielding,

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

Carried

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On March 19, 2009, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development and the Assiniboia Community Committee and submitted the matter to Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On February 24, 2009, the Assiniboia Community Committee concurred in the recommendation of the Winnipeg Public Service dated February 20, 2009 with the following amendments, namely:

- Amend Recommendation 1. by deleting February 17 and replacing it with February 20;

- Delete Recommendation 1.A.i. in its entirety and replace with the following:

  i. That the location of buildings shall be in substantial conformance with the revised plans submitted, identified as Exhibit "14" for DAZ 237/2008, Proposed Housing Development Conceptual Masterplan, dated February 13, 2009;

- Amend Recommendation 1.A.ii. by deleting the words "for the development of any building greater than four units"

- Amend Recommendation 2. by adding the following after the words "of the land:"

  "said money to be utilized for the redevelopment of green space for the Sturgeon Creek Community Centre,"

and forwarded the matter to the Standing Policy Committee on Property and Development.

RE: **Rezoning - 350 Lodge Avenue**
File DAZ 237/2008

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

Prepared by: **Carlos Gameiro, Senior Committee Clerk**
Assiniboia Community Committee

Report date: **February 25, 2009**

COMMUNITY COMMITTEE RECOMMENDATION:

On February 24, 2009, the Assiniboia Community Committee concurred in the recommendation of the Winnipeg Public Service and recommends to the Standing Policy Committee on Property and Development:

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 237/2008 dated February ~~***17***~~ ***20***, 2009, to an 'RMF-M' Residential 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 location of buildings is in substantial conformance with the plans submitted, attached hereto and identified as The Proposed Development Conceptual Masterplan, dated Feb. 12, 2009.***~~

        That the location of buildings shall be in substantial conformance with the revised plans submitted, identified as Exhibit "14" for file DAZ 237/2008, Proposed Housing Development Conceptual Masterplan, dated February 13, 2009.

        ii. That ~~***for the development of any building greater than four units,***~~ plans shall be submitted showing the location, design, and elevations of the proposed buildings; the location and design of accessory parking areas, pedestrian pathways, garbage enclosures, exterior lighting, fencing and landscaping to the Assiniboia Community Committee and the Director of Planning, Property and Development for plan approval prior to the issuance of any building or development permit, and thereafter to be maintained to the satisfaction of the Director of Planning, Property and Development.

iii That the design, layout, and construction of the internal vehicular circulation system for the entire site shall be to the satisfaction of the Director of Public Works and the Chief of Fire and Paramedic Service.

iv. That the density of development shall not exceed 132 dwelling units.

v. That no building greater than 35 feet in height shall be located within 100 feet of the east and west property lines.

vi That no building shall be greater than greater than 40 feet in height.

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, ***said money to be utilized for the redevelopment of green space for the Sturgeon Creek Community Centre.***

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 Acting 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.

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

7. That the Acting 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.

Note: The wording in bold and italics denotes amendments made by the Community Committee.

The Assiniboia Community Committee provided the following supporting reason(s) for its recommendation:

1. The Height of the four storey buildings has been addressed.

2. The traffic will be reduce from when the site was a school.

3. There is a need for this type of housing in the Community.

4. This is a very positive development for the Community.

PUBLIC HEARING SUMMARY

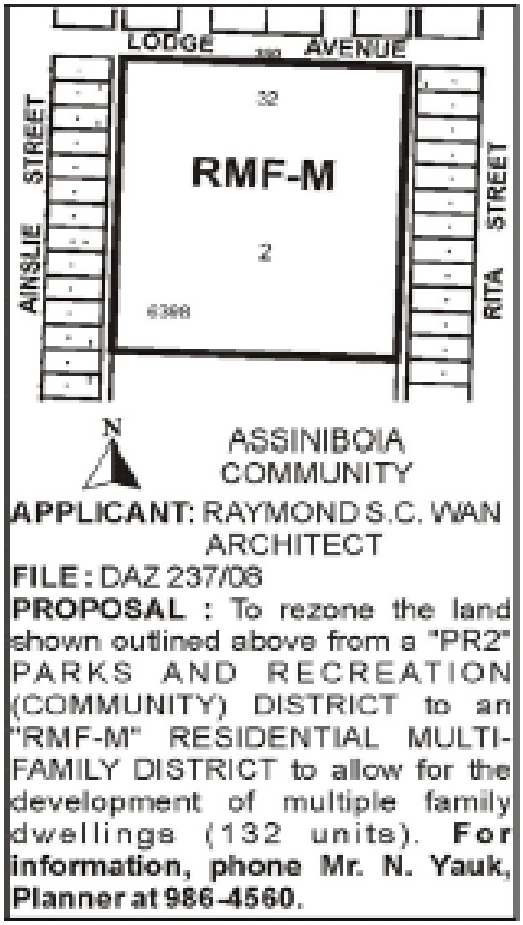
File: DAZ 237/2008

Before: Assiniboia Community Committee
Councillor Fielding, Chairperson
Councillor Clement
Councillor Nordman

Public Hearing: February 24, 2009
West Committee Room
Council Building, 510 Main Street

Applicant: Raymond S.C. Wan, Architect

Subject:



Premises Affected: 350 Lodge Avenue

Exhibits Filed:

1. Application dated December 8, 2008
2. Notification of Public Hearing dated December 15, 2008
3. Manitoba Certificate of Title Cert. No. 867320
4a. Letter of authorization dated November 25, 2008 from The School District of St. James Number 7 to Pace Homes Ltd. (Purchaser)
4b. Letter of authorization dated December 1, 2008 from Pace Homes Ltd. to Raymond S.C. Wan, Architect
5. Surveyor's Building Location Certificate and sketch dated December 2, 2008
6. Zoning Map of the subject area
7. Computer Generated Image of the proposed development
8. Proposed Housing Development Conceptual Masterplan dated December 1, 2008
9. Proposed Housing Development Conceptual Masterplan dated December 2, 2008
10. Proposed Housing Development Conceptual Masterplan dated February 12, 2009
11. Report from the Planning and Land Use Division dated February 17, 2009
12. Revised report from the Planning and Land Use Division dated February 20, 2009
13. Inspection Report
14. Proposed Housing Development Conceptual Masterplan dated February 13, 2009
15. Petition purporting to contain 113 signatures in opposition to the application, submitted at the public hearing by Darren Minaker

REPRESENTATIONS:

In Support:

Ed Grzenda
Guy Hobman
Garth Steek
Ray Wan

In Opposition:

Darreyl Hennigar
F.J. Luce
Marino James Maxon
Charles Medeiros
Darren Minaker
Fred Morris
Michelle Paterson
Scott Paterson
Arne Petersen
Dianne Walker
Teresa Young

For Information:

Ron Hahlweg
Reg Harrington
Bonnie Hook
Robert and Karen Malcolm
Rennie Zogalski

For the City:

Mr. K. Raban, Land Development Engineer, Planning, Property and Development Department
Mr. N. Yauk, Planner, Planning, Property and Development Department

Exhibit "12" referred to in File DAZ 237/2008

Winnipeg

Planning, Property and Development Department Report

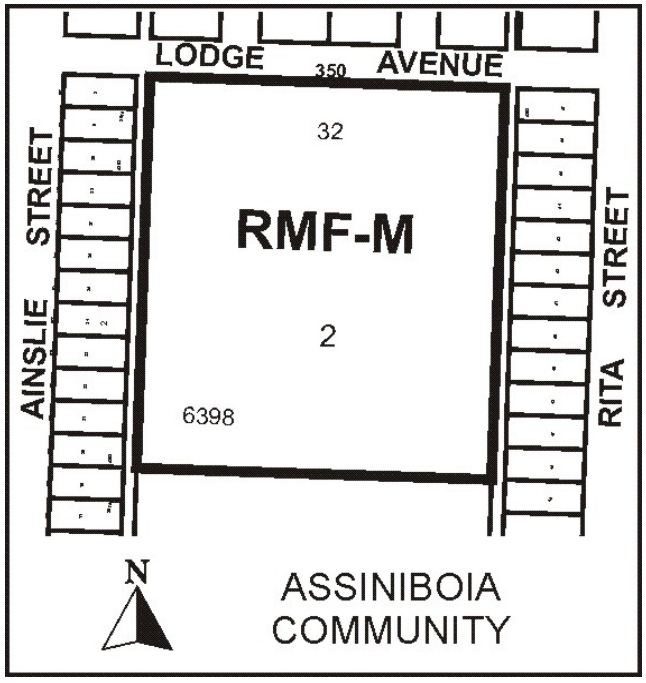
To the Assiniboia Community Committee

REVISED REPORT

Date: **Feb 20, 2009**
File: **DAZ 237/2008**
Related Files: **None**

Subject: **Application to rezone said land from a "PR2" Parks and Recreation Community District to an "RMF-M" Residential Multi-Family District to permit the establishment of residential land uses.**

Location: **350 Lodge Avenue**



REPORT SUMMARY

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

- The proposed development is compatible with existing neighbouring uses.
- The proposed site plan strikes the appropriate balance between Plan Winnipeg Policies that encourage infill development on the one hand and consideration of the existing neighbourhood context on the other.

SITE DESCRIPTION

The subject property, which is zoned "PR2" Parks and Recreation District, is located on the south side of Lodge Avenue between Rita Street and Ainslie Street, in the Silver Heights neighbourhood of the St. James - Brooklands ward. It is the location of the former Silver Heights Collegiate, which is directly north of the Silver Heights Community Centre.



Figure 1: Aerial Photo of Subject Site and Surrounding Land Uses (flown 2007)

The applicant is purchasing the property from the St. James – Assiniboia School Division, subject to all City of Winnipeg approvals, including the rezoning.

Surrounding Land Uses and Zoning
North: Lodge Avenue, then single-family homes zoned "R1-L" Residential District.
South: Open sports fields, then the Silver Heights Community Centre zoned "PR2" Parks and Recreation District.
East: A public lane, then single-family homes zoned "R1-L" Residential District.
West: A public lane, then single-family homes zoned "R1-L" Residential District.

DESCRIPTION OF THE PROPOSED DEVELOPMENT
The applicant proposes to redevelop the subject with a mix of duplex, quadplex and apartment style condominiums. In order to do so, an application to rezone the property to "RMF-M" Residential Multi-Family District is necessary. The total number of units proposed is 132, broken down as follows:

- 16 two-unit buildings (32 units)
- 4 four-unit buildings (16 units)
- 2 four-storey multiple family buildings (84 units)

The layout of the buildings is configured in such a manner that the proposed four-storey buildings are set back a minimum of 124 feet from the east/west property lines.

*****Note: Since the writing of this report, the applicant has submitted a slightly revised Conceptual Masterplan. Note that 8 quadplex units have been replaced by 8 duplex dwelling units.**

ANALYSIS AND ISSUES
Plan Winnipeg Compliance
The proposed development is compatible with Plan Winnipeg given its location in a Neighbourhood Policy Area. Plan Winnipeg promotes vibrant neighbourhoods "by encouraging and accommodating within new and existing developments a variety of compatible mixed uses including…low intensity residential uses...and high-intensity residential development and ancillary uses on sites adjacent to major traffic or transit corridors"" (3B-01).

Plan Winnipeg Promotes Infill Development
Plan Winnipeg supports infill development for the purpose of promoting compact urban form. Plan Winnipeg is committed to:

- *encouraging infilling of vacant lands and the revitalization of existing neighbourhoods to maximize the use of existing infrastructure; and*
- *supporting new development which is adjacent to, and compatible with, existing development and which is designed to minimize the spatial use of land. (3A-02)*

Zoning By-Law 200/2006: Proposed "RMF-M" Zoning

The zoning district proposed for the development is "RMF-M" Residential Multi-Family. A multi-family zoning category is needed to accommodate the proposed condominiums. Figure 2 (below) provides the dimensional standards for this zoning district and the dimensions for the proposed development.

Figure 2: Dimensional Standards for the RMF-M Zoning District

Zoning District	Minimum Lot Area Per Dwelling Unit (Sq. Ft.)	Minimum Front Yard (Ft.)	Minimum Rear Yard (Ft.)	Minimum Side Yard (Ft.)	Max Building Height (ft)
RMF-M	**800**	**20**	**25**	**8**	**50**
For Proposed Development	**2400**	**25**	**25**	**15**	**40** (4 storey structures only)

- The "RMF-M" zoning accommodates the complete range of proposed housing types, including the height of the 4-storey structures.
- The proposed development will occur at a density far below what is provided in the Zoning By-Law for the "RMF-M" zoning district.
    - The density standards for the "RMF-M" zoning district accommodate one dwelling unit for each 800 sq. ft. of lot area. Based on the size of the site, this would yield 403 dwelling units.
- The density of the proposed development is also much less than that afforded in the most restrictive multiple-family zoning – "RMF-S", which allows one dwelling unit for each 1,250 sq. ft. of lot area (258 units in this case).
- The proposed 132 units equates to a density of one dwelling unit for each 2,442 square feet of lot area. This is approximately double the density of existing single-family homes surrounding the site and is, therefore, the upper limit of density that can be accommodated and still be compatible with the existing context.
- The development either meets or exceeds the minimum standards of the Zoning By-Law for the "RMF-M" district, including larger side yards.
- Though the "RMF-M" zoning district provides a maximum building height of 50 feet, a Zoning Agreement is recommended as a condition of approval to limit the height of the proposed 4-story structures to 40 feet. This is to protect adjacent dwellings from subsequent redevelopment.
- The duplex and quadplex buildings will be two stories in height.

Zoning By-Law 200/2006: Airport Vicinity Protection Area Planned Development Overlay

The subject site is located within the Airport Vicinity Protection Area (AVPA) planned development overlay district. The proposed development is within Area II of the AVPA overlay district and is consistent with its policies. For example, new multi-family dwellings within Area II of the overlay district may be constructed not exceeding a density of 35 units per acre (D-1). The proposed development is approximately half of this density.

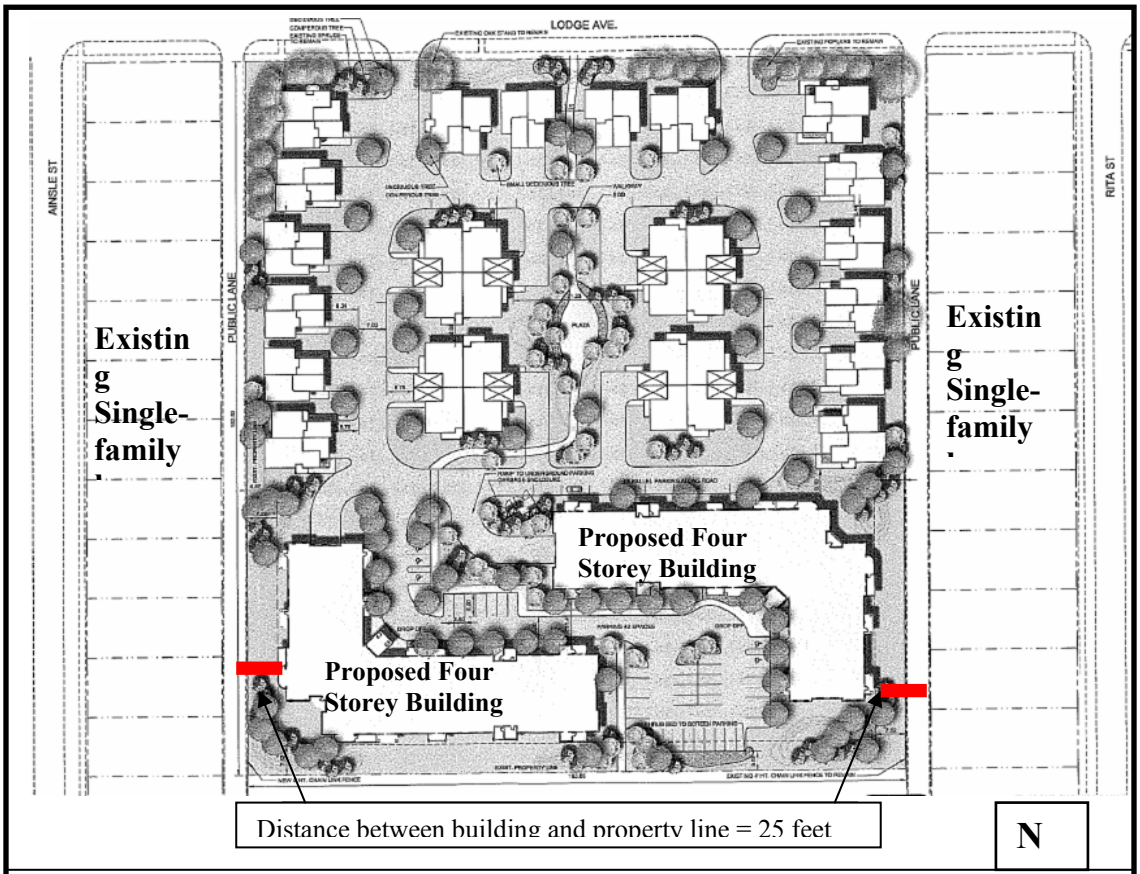


Figure 3: Original Location of proposed four-storey condominium buildings

THE EVOLUTION OF THE SITE PLAN

The applicant has submitted a revised site plan since the last public Open House they held on December 3. The key modification addresses the issue of building height and massing along the north-south public lanes, which provide access to the homes fronting Rita and Ainslie Streets. It is worthwhile to compare the revised plan to the previous one to illustrate its enhanced compatibility with surrounding properties. The density and number of dwelling units remains the same, but the physical impact of the proposed four storey buildings has been decreased.

- **The Site Plan Presented at the December 3rd Open House**
  - This site plan featured four storey buildings that were located at the south end of the site overlooking the green space at the Silver Heights Community Centre. Part of these buildings, however, flanked the back lanes (as shown in Figure 3 below), which called into question the issue of height based on the proximity to the lane. The distance between these buildings and the property line along the lane is 25 feet.

- **The Current Site Plan**
  - In the revised plan (Figure 4), the development is more in character with the existing neighbourhood context.
  - The four storey buildings are located at least 170 feet from any existing single-family home.
  - Locating the lower density dwellings along the lane addresses building massing by providing open space between them.
  - The heights of the buildings along the periphery of the site will be two stories in height and no greater than the maximum allowable height of buildings on existing adjacent properties (Rita, Ainslee), zoned "R1-L" Residential District – a single-family zoning district which provides for a maximum height of 35 feet.

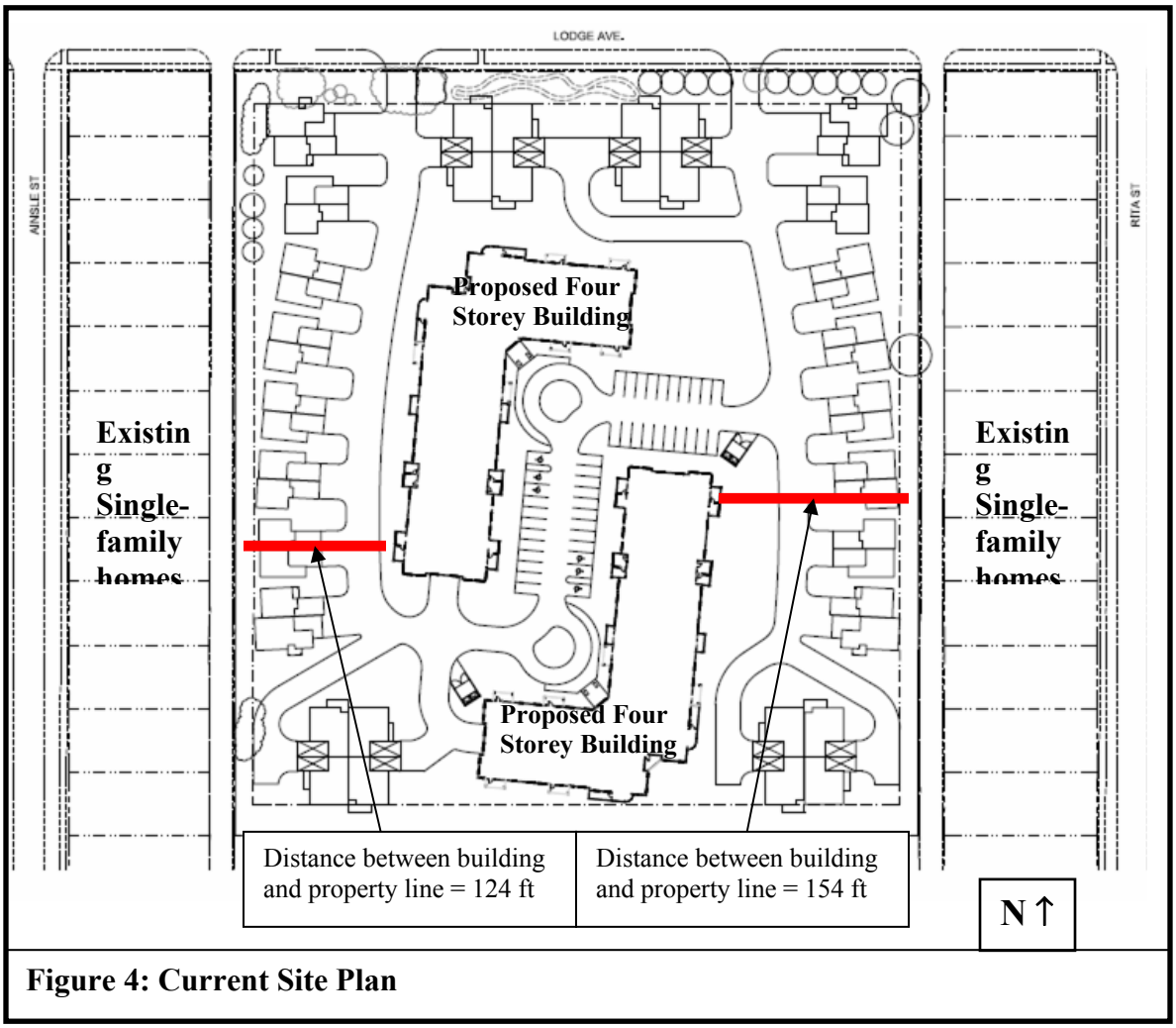


Figure 4: Current Site Plan

COMPATIBILITY

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. Planning & Land Use Division prepared a discussion paper regarding guidelines utilized in other cities in 2006—with detailed assessments of Ottawa's, Toronto's, and Seattle's guidelines. This paper then formed the basis for preparation of infill development guidelines for Winnipeg's own mature neighbourhoods. The draft guidelines, prepared with inputs from a multiple-interest working group (including Council members, residents, developers, designers, and planning division staffers), were completed in late-2008 and are expected to be finalized through broader consultation by mid-2009.

Although the infill guidelines have no official status at present, they accommodate a basic understanding of the nature and impact of this rezoning application. This is particularly important when one is faced with a multiple-family development within an existing, predominantly low-density residential neighbourhood. In evaluating this proposal, a number of components were considered:

1) **Traffic**
   The guidelines emphasize the need for medium density development that has the potential of generating significant volume of vehicular traffic to be located on streets that can handle traffic flow, such as arterial and collector streets. It is noted that access to and from the site will be limited to Lodge Avenue, which is a residential street, with a curb-to-curb cross-section of 25 feet. It should be noted that Lodge Avenue functions to accommodate traffic volumes exceeding nearby local streets (e.g. Rita, Ainslie).

Public works has reviewed a traffic assessment prepared by Stantec Consulting and has concluded that they have no concern regarding the proposed development and issues relating to traffic generation and circulation.

A key finding of the Traffic Impact Assessment is that there will be significant reductions in traffic volumes as compared to when the Silver Heights School was in operation. Regarding this, the study concludes the following:

- During the AM Peak Hour, there is a net decrease in traffic from 382 trips to 64 trips (decrease of 318 trips or a 73% reduction)
- During the PM Peak Hour of Adjacent Street Traffic, there is a net decrease in traffic from 118 trips to 76 trips (decrease of 42 trips or a 36% reduction)
- During the Weekday, there is a net decrease in traffic from 1,602 trips to 818 trips (decrease of 784 or a 49% reduction)

2) Access to Transit

The infill guidelines "encourage development on sites with reasonable access to Transit, active transportation pathways, public green space and other public services and amenities" (8). Most notable is the site's proximity to Portage Avenue, which provides a range of commercial amenities, as well as direct access to Public Transit. For this reason, the City of Winnipeg Transit department is supportive of the density proposed within this development.

The City of Winnipeg's Active Transportation Coordinator has also indicated support for the project for the reason that higher density developments usually correlate more to active transportation choices.

3) Building Setbacks

The infill guidelines speak to the importance of maintaining separation spaces between buildings and their property lines (called a yard setback) in a manner consistent with that of the existing neighbourhood context.

- In the proposed development, the distance between any proposed building and the east/ west property lines ranges between 15 and 25 feet. Technically speaking, the distance between the east and west property lines and any proposed dwelling is considered a "side yard" even though it will actually function as back yard space. The zoning By-Law provides minimum setbacks for the front, side and rear yards. Based on the orientation of the site, Lodge Avenue is considered the front yard, the north yard adjacent the Community Centre is considered the rear yard, and the east and west property lines are considered to be side yards. The minimum side yard in the "RMF-M" Zoning District is 8 feet.
- The separation space between the proposed buildings along the east/ west property lines and existing homes to the east and west are increased an additional 20 feet as a result of the public lanes.
- The front yard setbacks to the buildings along Lodge Avenue are 25 feet.
- The rear yard setbacks along the north property line are 25 feet.

4) Building Height

The infill guidelines suggest there are cases where a proposed building that is taller in height than that allowed for the adjacent, existing zoning district, can co-exist if an appropriate setback is provided between these buildings.

- The guidelines define a minimum test that a proposed building must pass as a basis for consideration. The formula is as follows:
    - A 45 degree line is drawn upward from the edge of the nearest neighboring property line (beginning at a height of six feet). If the proposed building falls below this line, the minimum test is satisfied. Essentially, this means that for every foot of building height, at least a foot of separation must be provided.

- Figure 5 below, illustrates that the original site plan met the proposed building height minimum test. Line A in the diagram shows the building is below this line. Line B illustrates that the building would need to be pushed back an additional 13 feet to follow the same angle to the top of a building whose height meets the maximum height standards for the "R1-L" residential district (35 feet). It is noted that the Current Site Plan shows that the four-storey buildings are set back an additional 100 feet from the earlier proposed building location.

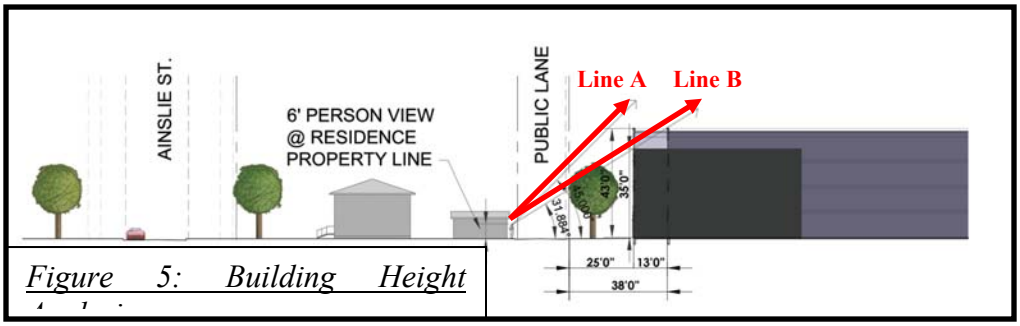


Figure 5: Building Height

5) Vehicular Access, Circulation and Parking

Any new development should strive to minimize the off-site impacts associated with traffic.

- Access to the proposed development will be limited to Lodge Avenue under the proposed Zoning Agreement. This decreases the need for traffic activity along the shared back lanes to Rita and Ainslie Streets.
- Adequate on-site parking will be provided which will discourage the potential for off-site parking spillover.
- Emergency Services has indicated that the site plan may have to be modified slightly to ensure road widths and turning radii are adequate for fire lanes. This will be a consideration of the final plan approval.

COMMUNITY INPUT

The applicant conducted three Open Houses to elicit input and feedback on the proposed development. These occurred on October 8, November 13 and December 3, 2008.

While levels of support for the proposed development vary, it is clear that the majority of neighbouring residents favor single-family homes/ bungalow style condominiums, and oppose the four-storey structures that are being proposed. For example, over 40% of survey responses received by the developer from the public open houses explicitly state preference for single-family homes. Note, however, that the site plan presented at the latest open house illustrated the four storey buildings along the lanes at the south end of the site. Reaction to height may have been based on the buildings' proximity to existing single-family dwellings, which has been addressed in the revised site plan.

Another concern evident in survey responses among area residents is an expected increase in traffic generation from the proposed development. About 25% of feedback comments received indicated a concern about traffic and access. Residents have also demonstrated concern about the loss of public space through the school division's disposal of the property, a process beyond the scope of this application.

HOUSING OPPORTUNITIES

The proposed development contains a mix of low and medium residential densities. The variety of housing types being proposed is seen as a positive addition to the housing stock. The condominiums are expected to provide housing opportunities for young families as well as for older residents who are seeking different housing types, because of life-cycle changes. A concern in many older, established neighbourhoods in Winnipeg, such as Silver Heights is the lack of opportunities for empty nesters and seniors, who wish to remain in the neighbourhood, but are forced to move elsewhere to meet their housing demands. Figure 6, below, compares the population age distribution of the Silver Heights Neighbourhood to that of the City of Winnipeg as a whole. A distinctive characteristic of the Silver Heights neighbourhood is a larger 60+ population than that of the City of Winnipeg. In 2001, 17.2% of Winnipeg's population was 60 years of age or older, as compared to 25.2% of Silver Heights' residents. The continual trending toward an aging population demands that housing opportunities be provided in order to satisfy this need.

Figure 6: Population Age Distribution: 2001

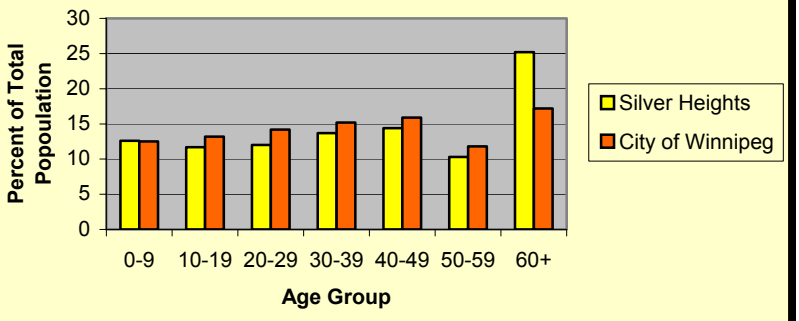


Figure 6 also shows a slight under-representation of certain age groups in Silver Heights, those between 10 years of age and 49. This could indicate a lack of housing options are available within the Silver Heights neighbourhood to accommodate the needs of these age of Winnipeg. The diversity of housing types offered within the proposed development addresses the need for a range of housing options in this neighbourhood.

OTHER CONSIDERATIONS

Internal components of the site plan such as lighting, landscaping, pedestrian access and circulation are important to the success of the proposed development. While site plan approval will be used as a mechanism to ensure these factors are considered, Zoning By-Law 200/2006 addresses most of these in detail. Appendix "A" identifies the basis on which future, detailed plans will be reviewed and approved.

REASONS FOR RECOMMENDATIONS

In the context of Section 247(3), the Planning and Land Use Division recommends **approval** with conditions for the following reasons:

(a) is consistent with Plan Winnipeg and any applicable secondary plan;
(b) does not create a substantial adverse effect on the amenities, use, safety and convenience of the adjoining property and adjacent area, including an area separated from the property by a street or waterway;
(c) is the minimum modification of a zoning-by-law required to relieve the injurious effect of the zoning by-law on the applicant's property; and
(d) is compatible with the area in which the property to be affected is situated.

- The proposed development is compatible with existing neighbouring uses.
- The proposed site plan strikes the appropriate balance between Plan Winnipeg Policies that encourage infill development on the one hand and consideration of the existing neighbourhood context on the other.
- The proposed development will add to the range of housing options available in the neighbourhood.
- The development itself may provide positive spin-offs to the neighbourhood by signaling a renewed investment in the housing stock.

RECOMMENDED CONDITIONS OF APPROVAL

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 237/2008 dated February 17, 2008, to an 'RMF-M' Residential 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:

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iii. That the design, layout, and construction of the internal vehicular circulation system for the entire site shall be to the satisfaction of the Director of Public Works and the Chief of Fire and Paramedic Service.

iv. That the density of development shall not exceed 132 dwelling units.

v. No building greater than 35 feet in height shall be located within 100 feet of the east and west property lines.

vi. No building shall be greater than greater than 40 feet in height.

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.

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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: Noah Yauk
PPD File # DAZ 237/2008
Schedule "A"

By-Law No. _____

File No. **DAZ 237/08**

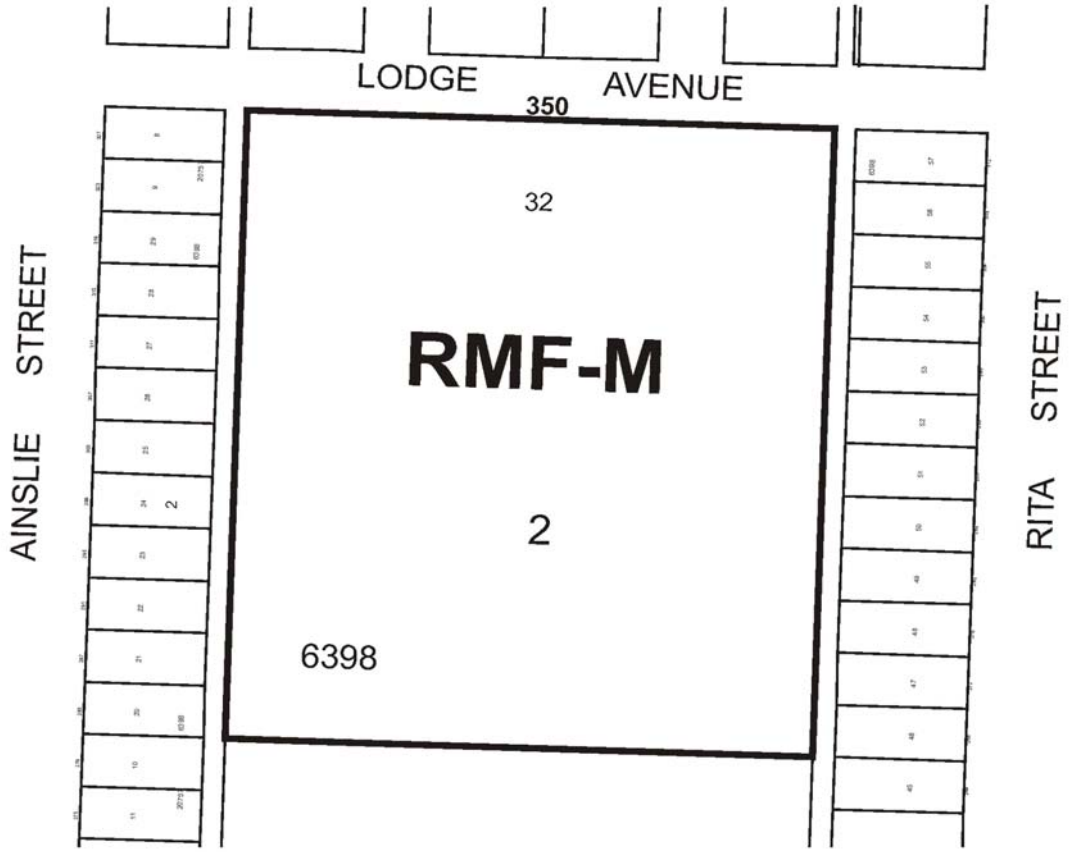
Atlas Sheet No.

N

AB16
ASSINIBOIA
COMMUNITY

Explanation

A proposed zoning change to By-law No. 200/2006 by rezoning the land located at 350 Lodge Avenue from a "PR2" PARKS AND RECREATION (COMMUNITY) DISTRICT to an "RMF-M" RESIDENTIAL MULTI-FAMILY DISTRICT to allow for the development of multiple family dwellings (132 units) as shown outlined below.



THIRD READING : _____ EFFECTIVE DATE : _____

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No. _____

Appendix "A" "- ***Guidelines to be used for Plan Approval for DAZ 237/08***

Purpose: To be used as guidelines when reviewing the final plan submittals for the multiple family, two-family and four-family structures to be located at 350 Lodge Avenue. The layout of buildings must be in substantial conformance with the plans submitted

Landscaping and Buffering
The north, east and west property lines should contain landscaping treatments that go beyond the minimum standards of Zoning By-Law 200/2006. Landscaping along the north property line should incorporate as many of the existing trees as possible.

Building Heights and Orientation
The proposed building must be oriented so that there is a transition in building heights from shorter to taller moving inward in the site. The four storey buildings must be set back a minimum of 100 feet from any property line so as to maintain an appropriate transition to existing single-family homes. Buildings

Parking

A. To the maximum extent possible, parking areas should be internalized in building groupings and oriented away from street frontages.
B. Consider breaking up large parking areas into smaller blocks of parking with landscape islands.
C. Parking areas should be separated from each other by a landscape strip.
D. Parking areas abutting the building should be set back a minimum of 10 feet with berming or hedging to screen headlight glare.

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Areas of common open space should be set aside around the Multiple Family buildings to allow easy access by building residents and that provides a focal point for the residents to interact, and adds to the overall quality of life for residents. It should be purposefully integrated into the overall design of the development and not merely residual areas left over after the buildings and parking lot are sited.

Common open space can include gardens, courtyards, recreation, or play areas and may include some of the following features:

- Seasonal planting areas
- Large, flowering trees
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- Pedestrian scaled lighting
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Building Design

A. Provide a distinctive, quality, architectural character and style that give character to each building, allowing some similar theme / design to run through each building but also marking each individually.
B. New buildings should respect the context of adjacent residential neighbourhoods including the height, scale, mass, form, and character of surrounding development
C. Front doors / entrances should be clearly marked with distinct design elements such as porticoes, benches, canopies, etc.
D. Masonry used to enhance the façade of buildings.

Pedestrian Connections

A. Consider providing pedestrian connections from each building entrance to an internal sidewalk system, which connects to the external sidewalk system.
B. Where these sidewalks cross a parking lot, connections should be marked through the use of a change in paving materials and height as a signal to motorists that they should slow down upon approaching.
C. Pedestrian connections should be maintained to, but not interfere with the existing recreation space at the south end of the site. This should be developed with the input of Parks Planning staff.

Exhibit "11" referred to in File DAZ 237/2008

Winnipeg

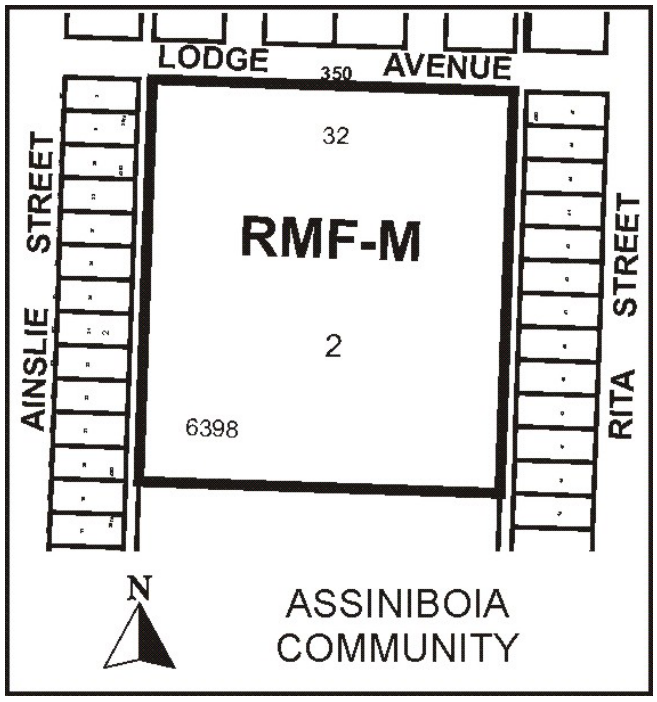
Planning, Property and Development Department Report

To the Assiniboia Community Committee

Date: **Feb 17, 2009**
File: **DAZ 237/2008**
Related Files: **None**

Subject: **Application to rezone said land from a "PR2" Parks and Recreation Community District to an "RMF-M" Residential Multi-Family District to permit the establishment of residential land uses.**

Location: **350 Lodge Avenue**



REPORT SUMMARY

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

- The proposed development is compatible with existing neighbouring uses.
- The proposed site plan strikes the appropriate balance between Plan Winnipeg Policies that encourage infill development on the one hand and consideration of the existing neighbourhood context on the other.

SITE DESCRIPTION

The subject property, which is zoned "PR2" Parks and Recreation District, is located on the south side of Lodge Avenue between Rita Street and Ainslie Street, in the Silver Heights neighbourhood of the St. James - Brooklands ward. It is the location of the former Silver Heights Collegiate, which is directly north of the Silver Heights Community Centre.



Figure 1: Aerial Photo of Subject Site and Surrounding Land Uses (flown 2007)

The applicant is purchasing the property from the St. James – Assiniboia School Division, subject to all City of Winnipeg approvals, including the rezoning.

Surrounding Land Uses and Zoning
North: Lodge Avenue, then single-family homes zoned "R1-L" Residential District.
South: Open sports fields, then the Silver Heights Community Centre zoned "PR2" Parks and Recreation District.
East: A public lane, then single-family homes zoned "R1-L" Residential District.
West: A public lane, then single-family homes zoned "R1-L" Residential District.

DESCRIPTION OF THE PROPOSED DEVELOPMENT
The applicant proposes to redevelop the subject with a mix of duplex, quadplex and apartment style condominiums. In order to do so, an application to rezone the property to "RMF-M" Residential Multi-Family District is necessary. The total number of units proposed is 132, broken down as follows:

- 16 two-unit buildings (32 units)
- 4 four-unit buildings (16 units)
- 2 four-storey multiple family buildings (84 units)

The layout of the buildings is configured in such a manner that the proposed four-storey buildings are set back a minimum of 154 feet from the east/west property lines.

ANALYSIS AND ISSUES
Plan Winnipeg Compliance
The proposed development is compatible with Plan Winnipeg given its location in a Neighbourhood Policy Area. Plan Winnipeg promotes vibrant neighbourhoods "by encouraging and accommodating within new and existing developments a variety of compatible mixed uses including…low intensity residential uses...and high-intensity residential development and ancillary uses on sites adjacent to major traffic or transit corridors"" (3B-01).

Plan Winnipeg Promotes Infill Development
Plan Winnipeg supports infill development for the purpose of promoting compact urban form. Plan Winnipeg is committed to:

- *encouraging infilling of vacant lands and the revitalization of existing neighbourhoods to maximize the use of existing infrastructure; and*
- *supporting new development which is adjacent to, and compatible with, existing development and which is designed to minimize the spatial use of land. (3A-02)*

Zoning By-Law 200/2006: Proposed "RMF-M" Zoning

The zoning district proposed for the development is "RMF-M" Residential Multi-Family. A multi-family zoning category is needed to accommodate the proposed condominiums. Figure 2 (below) provides the dimensional standards for this zoning district and the dimensions for the proposed development.

Figure 2: Dimensional Standards for the RMF-M Zoning District

Zoning District	Minimum Lot Area Per Dwelling Unit (Sq. Ft.)	Minimum Front Yard (Ft.)	Minimum Rear Yard (Ft.)	Minimum Side Yard (Ft.)	Max Building Height (ft)
RMF-M	**800**	**20**	**25**	**8**	**50**
For Proposed Development	**2400**	**25**	**25**	**15**	**40** (4 storey structures only)

- The "RMF-M" zoning accommodates the complete range of proposed housing types, including the height of the 4-storey structures.
- The proposed development will occur at a density far below what is provided in the Zoning By-Law for the "RMF-M" zoning district.
    - The density standards for the "RMF-M" zoning district accommodate one dwelling unit for each 800 sq. ft. of lot area. Based on the size of the site, this would yield 403 dwelling units.
- The density of the proposed development is also much less than that afforded in the most restrictive multiple-family zoning – "RMF-S", which allows one dwelling unit for each 1,250 sq. ft. of lot area (258 units in this case).
- The proposed 132 units equates to a density of one dwelling unit for each 2,442 square feet of lot area. This is approximately double the density of existing single-family homes surrounding the site and is, therefore, the upper limit of density that can be accommodated and still be compatible with the existing context.
- The development either meets or exceeds the minimum standards of the Zoning By-Law for the "RMF-M" district, including larger side yards.
- Though the "RMF-M" zoning district provides a maximum building height of 50 feet, a Zoning Agreement is recommended as a condition of approval to limit the height of the proposed 4-story structures to 40 feet. This is to protect adjacent dwellings from subsequent redevelopment.
- The duplex and quadplex buildings will be two stories in height.

Zoning By-Law 200/2006: Airport Vicinity Protection Area Planned Development Overlay

The subject site is located within the Airport Vicinity Protection Area (AVPA) planned development overlay district. The proposed development is within Area II of the AVPA overlay district and is consistent with its policies. For example, new multi-family dwellings within Area II of the overlay district may be constructed not exceeding a density of 35 units per acre (D-1). The proposed development is approximately half of this density.

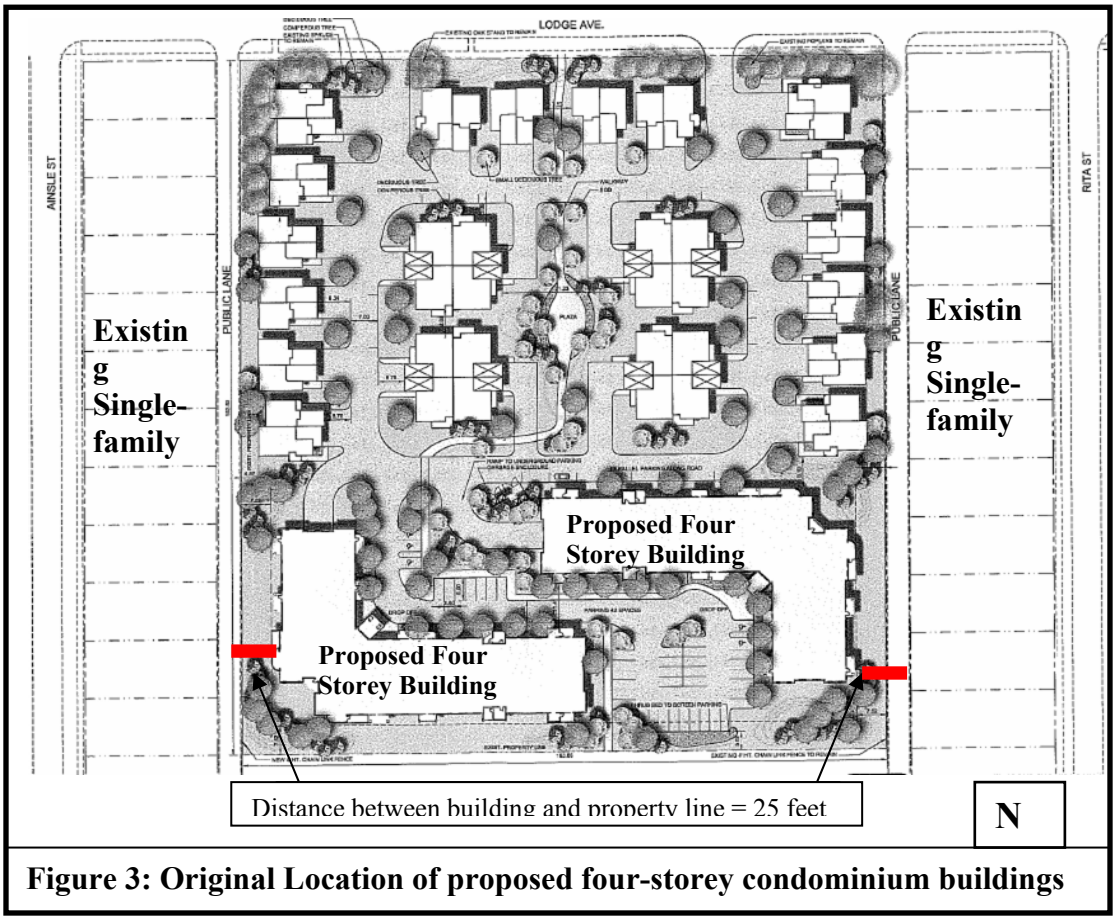


Figure 3: Original Location of proposed four-storey condominium buildings

THE EVOLUTION OF THE SITE PLAN

The applicant has submitted a revised site plan since the last public Open House they held on December 3. The key modification addresses the issue of building height and massing along the north-south public lanes, which provide access to the homes fronting Rita and Ainslie Streets. It is worthwhile to compare the revised plan to the previous one to illustrate its enhanced compatibility with surrounding properties. The density and number of dwelling units remains the same, but the physical impact of the proposed four storey buildings has been decreased.

- **The Site Plan Presented at the December 3rd Open House**
  - This site plan featured four storey buildings that were located at the south end of the site overlooking the green space at the Silver Heights Community Centre. Part of these buildings, however, flanked the back lanes (as shown in Figure 3 below), which called into question the issue of height based on the proximity to the lane. The distance between these buildings and the property line along the lane is 25 feet.

- **The Current Site Plan**

- In the revised plan (Figure 4), the development is more in character with the existing neighbourhood context.
- The four storey buildings are located at least 200 feet from any existing single-family home.
- Locating the lower density dwellings along the lane addresses building massing by providing open space between them.
- The heights of the buildings along the periphery of the site will be two stories in height and no greater than the maximum allowable height of buildings on existing adjacent properties (Rita, Ainslee), zoned "R1-L" Residential District – a single-family zoning district which provides for a maximum height of 35 feet.

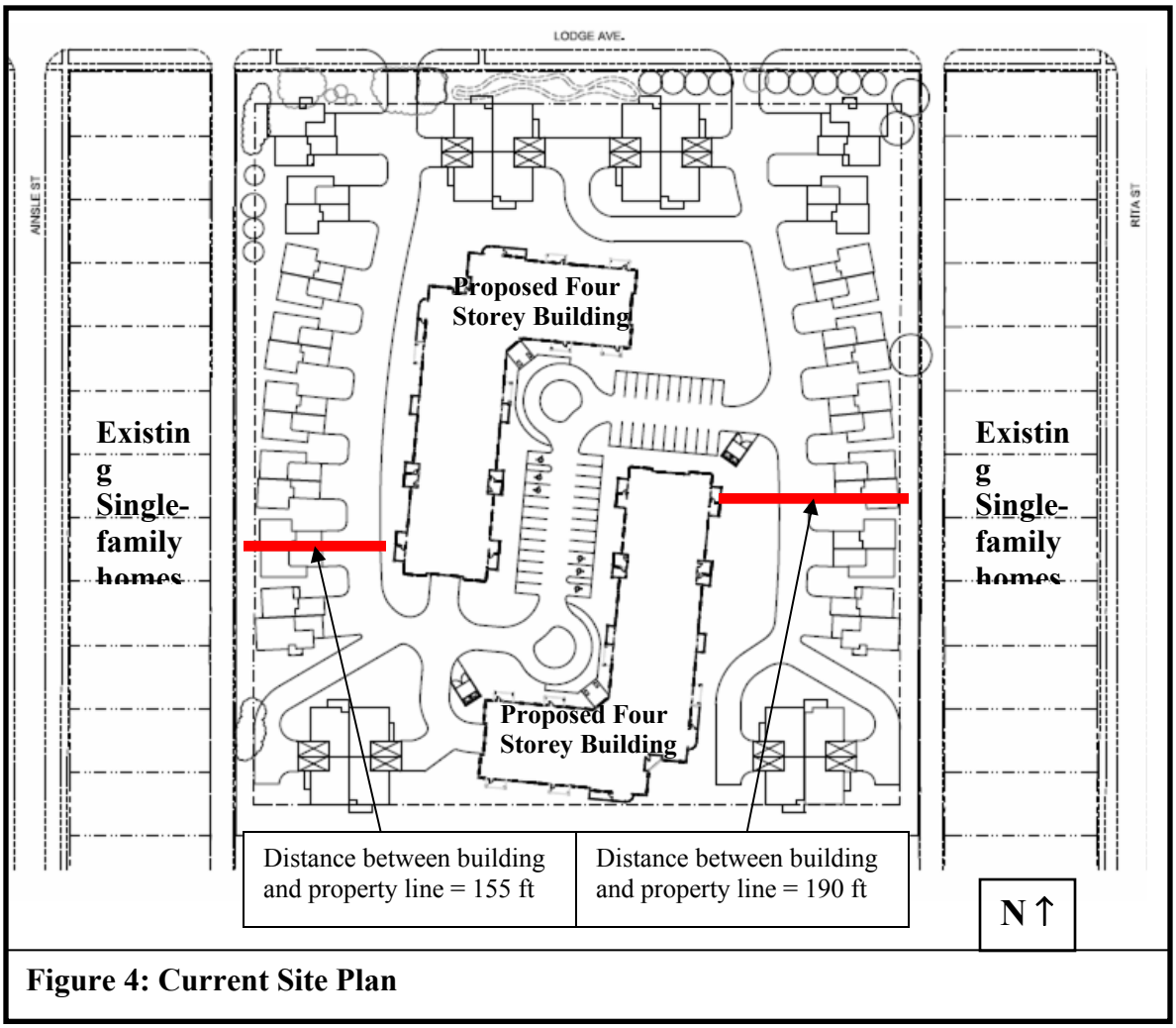


Figure 4: Current Site Plan

COMPATIBILITY

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. Planning & Land Use Division prepared a discussion paper regarding guidelines utilized in other cities in 2006—with detailed assessments of Ottawa's, Toronto's, and Seattle's guidelines. This paper then formed the basis for preparation of infill development guidelines for Winnipeg's own mature neighbourhoods. The draft guidelines, prepared with inputs from a multiple-interest working group (including Council members, residents, developers, designers, and planning division staffers), were completed in late-2008 and are expected to be finalized through broader consultation by mid-2009.

Although the infill guidelines have no official status at present, they accommodate a basic understanding of the nature and impact of this rezoning application. This is particularly important when one is faced with a multiple-family development within an existing, predominantly low-density residential neighbourhood. In evaluating this proposal, a number of components were considered:

6) **Traffic**

The guidelines emphasize the need for medium density development that has the potential of generating significant volume of vehicular traffic to be located on streets that can handle traffic flow, such as arterial and collector streets. It is noted that access to and from the site will be limited to Lodge Avenue, which is a residential street, with a curb-to-curb cross-section of 25 feet. It should be noted that Lodge Avenue functions to accommodate traffic volumes exceeding nearby local streets (e.g. Rita, Ainslie).

Public works has reviewed a traffic assessment prepared by Stantec Consulting and has concluded that they have no concern regarding the proposed development and issues relating to traffic generation and circulation.

A key finding of the Traffic Impact Assessment is that there will be significant reductions in traffic volumes as compared to when the Silver Heights School was in operation. Regarding this, the study concludes the following:

- During the AM Peak Hour, there is a net decrease in traffic from 382 trips to 64 trips (decrease of 318 trips or a 73% reduction)
- During the PM Peak Hour of Adjacent Street Traffic, there is a net decrease in traffic from 118 trips to 76 trips (decrease of 42 trips or a 36% reduction)
- During the Weekday, there is a net decrease in traffic from 1,602 trips to 818 trips (decrease of 784 or a 49% reduction)

7) **Access to Transit**

The infill guidelines "encourage development on sites with reasonable access to Transit, active transportation pathways, public green space and other public services and

amenities" (8). Most notable is the site's proximity to Portage Avenue, which provides a range of commercial amenities, as well as direct access to Public Transit. For this reason, the City of Winnipeg Transit department is supportive of the density proposed within this development.

The City of Winnipeg's Active Transportation Coordinator has also indicated support for the project for the reason that higher density developments usually correlate more to active transportation choices.

8) Building Setbacks

The infill guidelines speak to the importance of maintaining separation spaces between buildings and their property lines (called a yard setback) in a manner consistent with that of the existing neighbourhood context.

- In the proposed development, the distance between any proposed building and the east/ west property lines ranges between 15 and 25 feet. Technically speaking, the distance between the east and west property lines and any proposed dwelling is considered a "side yard" even though it will actually function as back yard space. The zoning By-Law provides minimum setbacks for the front, side and rear yards. Based on the orientation of the site, Lodge Avenue is considered the front yard, the north yard adjacent the Community Centre is considered the rear yard, and the east and west property lines are considered to be side yards. The minimum side yard in the "RMF-M" Zoning District is 8 feet.
- The separation space between the proposed buildings along the east/ west property lines and existing homes to the east and west are increased an additional 20 feet as a result of the public lanes.
- The front yard setbacks to the buildings along Lodge Avenue are 25 feet.
- The rear yard setbacks along the north property line are 25 feet.

9) Building Height

The infill guidelines suggest there are cases where a proposed building that is taller in height than that allowed for the adjacent, existing zoning district, can co-exist if an appropriate setback is provided between these buildings.

- The guidelines define a minimum test that a proposed building must pass as a basis for consideration. The formula is as follows:
    - A 45 degree line is drawn upward from the edge of the nearest neighboring property line (beginning at a height of six feet). If the proposed building falls below this line, the minimum test is satisfied. Essentially, this means that for every foot of building height, at least a foot of separation must be provided.

- Figure 5 below, illustrates that the original site plan met the proposed building height minimum test. Line A in the diagram shows the building is below this line. Line B illustrates that the building would need to be pushed back an additional 13 feet to follow the same angle to the top of a building whose height meets the maximum height standards for the "R1-L" residential district (35 feet). It is noted that the Current Site Plan shows that the four-storey buildings are set back an additional 125 feet from the earlier proposed building location.

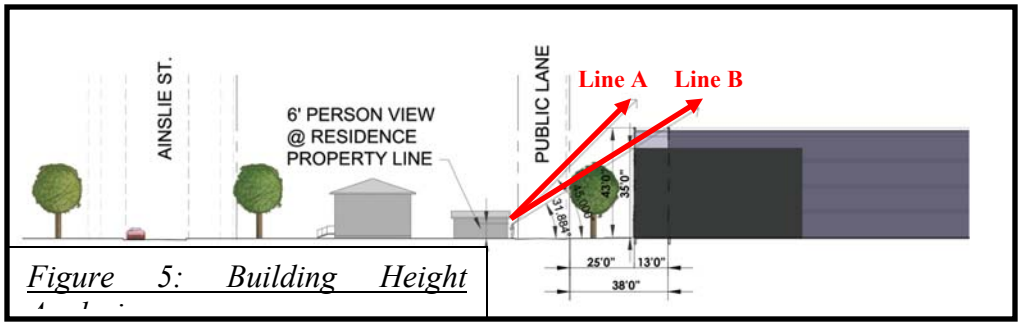


Figure 5: Building Height

10) Vehicular Access, Circulation and Parking

Any new development should strive to minimize the off-site impacts associated with traffic.

- Access to the proposed development will be limited to Lodge Avenue under the proposed Zoning Agreement. This decreases the need for traffic activity along the shared back lanes to Rita and Ainslie Streets.
- Adequate on-site parking will be provided which will discourage the potential for off-site parking spillover.
- Emergency Services has indicated that the site plan may have to be modified slightly to ensure road widths and turning radii are adequate for fire lanes. This will be a consideration of the final plan approval.

COMMUNITY INPUT

The applicant conducted three Open Houses to elicit input and feedback on the proposed development. These occurred on October 8, November 13 and December 3, 2008.

While levels of support for the proposed development vary, it is clear that the majority of neighbouring residents favor single-family homes/ bungalow style condominiums, and oppose the four-storey structures that are being proposed. For example, over 40% of survey responses received by the developer from the public open houses explicitly state preference for single-family homes. Note, however, that the site plan presented at the latest open house illustrated the four storey buildings along the lanes at the south end of the site. Reaction to height may have been based on the buildings' proximity to existing single-family dwellings, which has been addressed in the revised site plan.

Another concern evident in survey responses among area residents is an expected increase in traffic generation from the proposed development. About 25% of feedback comments received indicated a concern about traffic and access. Residents have also demonstrated concern about the loss of public space through the school division's disposal of the property, a process beyond the scope of this application.

HOUSING OPPORTUNITIES

The proposed development contains a mix of low and medium residential densities. The variety of housing types being proposed is seen as a positive addition to the housing stock. The condominiums are expected to provide housing opportunities for young families as well as for older residents who are seeking different housing types, because of life-cycle changes. A concern in many older, established neighbourhoods in Winnipeg, such as Silver Heights is the lack of opportunities for empty nesters and seniors, who wish to remain in the neighbourhood, but are forced to move elsewhere to meet their housing demands. Figure 6, below, compares the population age distribution of the Silver Heights Neighbourhood to that of the City of Winnipeg as a whole. A distinctive characteristic of the Silver Heights neighbourhood is a larger 60+ population than that of the City of Winnipeg. In 2001, 17.2% of Winnipeg's population was 60 years of age or older, as compared to 25.2% of Silver Heights' residents. The continual trending toward an aging population demands that housing opportunities be provided in order to satisfy this need.

Figure 6: Population Age Distribution: 2001

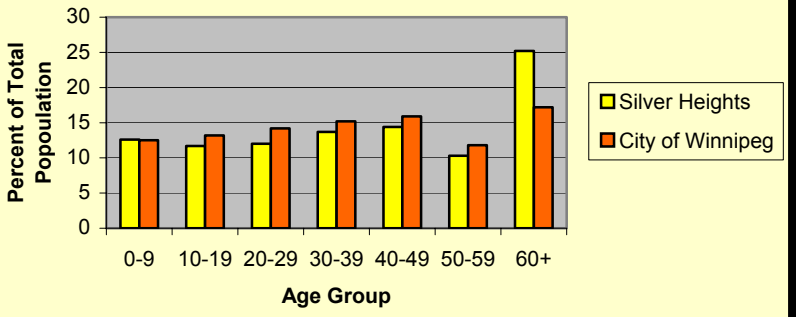


Figure 6 also shows a slight under-representation of certain age groups in Silver Heights, those between 10 years of age and 49. This could indicate a lack of housing options are available within the Silver Heights neighbourhood to accommodate the needs of these age of Winnipeg. The diversity of housing types offered within the proposed development addresses the need for a range of housing options in this neighbourhood.

OTHER CONSIDERATIONS

Internal components of the site plan such as lighting, landscaping, pedestrian access and circulation are important to the success of the proposed development. While site plan approval will be used as a mechanism to ensure these factors are considered, Zoning By-Law 200/2006 addresses most of these in detail. Appendix "A" identifies the basis on which future, detailed plans will be reviewed and approved.

REASONS FOR RECOMMENDATIONS

In the context of Section 247(3), the Planning and Land Use Division recommends **approval** with conditions for the following reasons:

(a) is consistent with Plan Winnipeg and any applicable secondary plan;
(b) does not create a substantial adverse effect on the amenities, use, safety and convenience of the adjoining property and adjacent area, including an area separated from the property by a street or waterway;
(c) is the minimum modification of a zoning-by-law required to relieve the injurious effect of the zoning by-law on the applicant's property; and
(d) is compatible with the area in which the property to be affected is situated.

- The proposed development is compatible with existing neighbouring uses.
- The proposed site plan strikes the appropriate balance between Plan Winnipeg Policies that encourage infill development on the one hand and consideration of the existing neighbourhood context on the other.
- The proposed development will add to the range of housing options available in the neighbourhood.
- The development itself may provide positive spin-offs to the neighbourhood by signaling a renewed investment in the housing stock.

RECOMMENDED CONDITIONS OF APPROVAL

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 237/2008 dated February 17, 2008, to an 'RMF-M' Residential 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:

    vii. That the location of buildings is in substantial conformance with the plans submitted, attached hereto and identified as The Proposed Development Conceptual Masterplan, dated Feb. 1, 2009.

viii. That for the development of any building greater than four units, plans shall be submitted showing the location, design, and elevations of the proposed buildings; the location and design of accessory parking areas, pedestrian pathways, garbage enclosures, exterior lighting, fencing and landscaping to the Assiniboia Community Committee and the Director of Planning, Property and Development for plan approval prior to the issuance of any building or development permit, and thereafter to be maintained to the satisfaction of the Director of Planning, Property and Development.

ix. That the design, layout, and construction of the internal vehicular circulation system for the entire site shall be to the satisfaction of the Director of Public Works and the Chief of Fire and Paramedic Service.

x. That the density of development shall not exceed 132 dwelling units.

xi. No building greater than 35 feet in height shall be located within 100 feet of the east and west property lines.

xii. No building shall be greater than greater than 43 feet in height

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: Noah Yauk
PPD File # DAZ 237/2008

Schedule "A"

By-Law No. _____

File No. **DAZ 237/08**

Atlas Sheet No.

N

AB16
ASSINIBOIA
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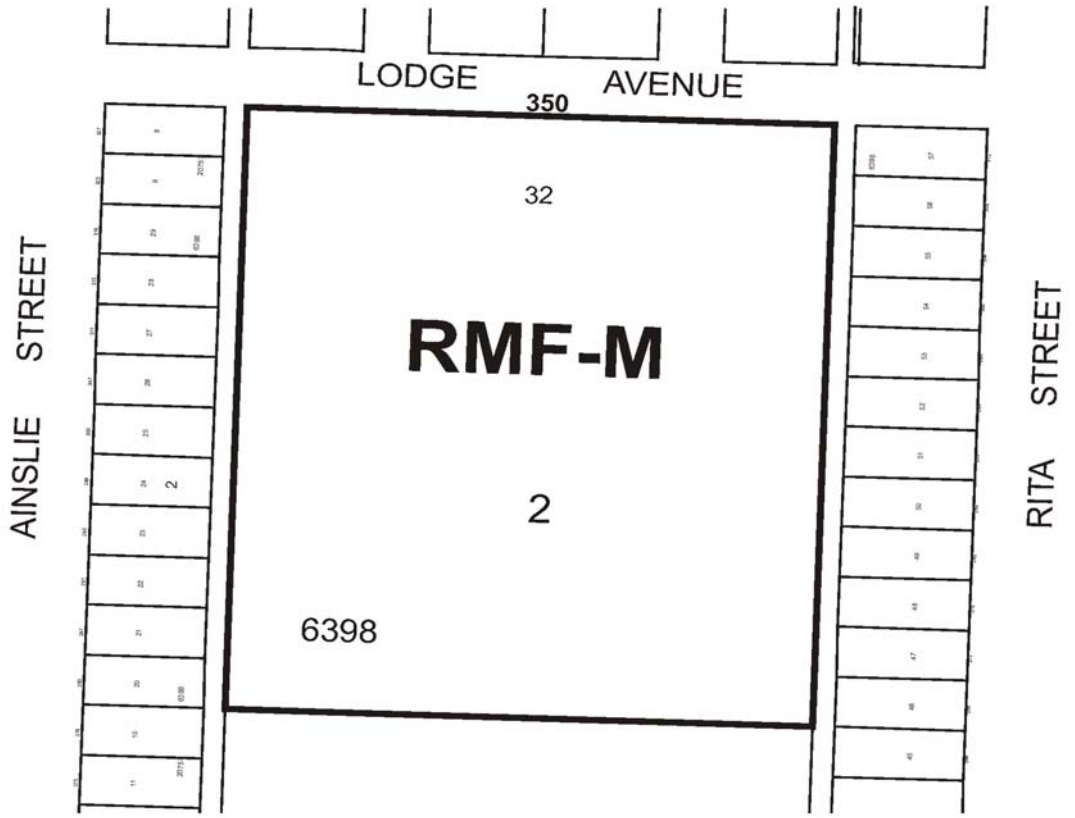

THIRD READING : _____ EFFECTIVE DATE : _____

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No. _____

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