Minute No. 623
Report - Standing Policy Committee on Property and Development – September 14, 2010

Item No. 13 **Subdivision and Rezoning - Northwest corner of William Avenue West and Oddy Street (formerly 26 Oddy Street) (St. James-Brooklands Ward) File DASZ 15/2010**

COUNCIL DECISION:

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

1. That the plan of subdivision proposed under File DASZ 15/2010 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 15/2010 dated May 27, 2010, for registration in the Winnipeg Land Titles Office subject to the following:

   A. That the Developer be required to enter into a Servicing Agreement with the City containing all the conditions outlined in Schedule "B" of the Report of the Administrative Co-ordinating Group, dated July 5, 2010.

2. That The Winnipeg Zoning By-law No. 200/2006 be amended by rezoning the subject land as shown on Schedule "A" for File DASZ 15/2010 dated May 27, 2010, to an "RMF-S" Residential Multi-Family District.

3. 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 and the creation of additional lots, said money to be utilized for future infrastructure upgrades for the Brooklands Pioneer Senior Citizens Club.

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

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COUNCIL DECISION (continued):

5. 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.

6. That the Director of Legal Services and City Solicitor be requested to prepare the necessary by-law in accordance with the above.

7. That the subdivision section of the by-law shall come into force and effect upon execution by the City of Winnipeg of the Servicing Agreement.

8. That the zoning section of the by-law shall come into force and effect when the Plan of Subdivision has been registered in the Winnipeg Land Titles Office.

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

10. That in the event the necessary City of Winnipeg mylar approval signatures have not been secured within twenty-four (24) months after adoption of the by-law, the matter shall be deemed to be concluded and shall not be proceeded with unless Council extends that time.

11. That the Director of Legal Services and City Solicitor be requested to do all things necessary for implementation in accordance with the terms of The City of Winnipeg Charter.

12. That the Proper Officers of the City be authorized to do all things necessary to implement the intent of the foregoing.

Report - Standing Policy Committee on Property and Development – September 14, 2010

DECISION MAKING HISTORY:

Moved by Councillor Steeves,

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

Carried

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On September 15, 2010, 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.

STANDING COMMITTEE RECOMMENDATION:

On September 14, 2010, the Standing Policy Committee on Property and Development concurred in the recommendation of the Assiniboia Community Committee and submitted the matter to the Executive Policy Committee and Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On July 13, 2010, the Assiniboia Community Committee concurred in the recommendation of the Winnipeg Public Service with the following amendment, namely:

- Amend Recommendation 3. by adding the following after the words “additional lots,”:

  “said money to be utilized for future infrastructure upgrades for the Brooklands Pioneer Senior Citizens Club.”

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

RE: Subdivision and Rezoning - Northwest Corner of William Avenue West and Oddy Street (formerly 26 Oddy Street)
File DASZ 15/2010 [c/r DAV 127895/2010D]

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

Prepared by: Danielle Caron, Committee Clerk
Assiniboia Community Committee

Report date: July 14, 2010

COMMUNITY COMMITTEE RECOMMENDATION:

On July 13, 2010, the Assiniboia Community Committee concurred in the recommendation of the Winnipeg Public Service, as amended, and recommends to the Standing Policy Committee on Property and Development:

1. That the plan of subdivision proposed under File DASZ 15/2010 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 15/2010 dated May 27, 2010, for registration in the Winnipeg Land Titles Office subject to the following:

    A. That the Developer be required to enter into a Servicing Agreement with the City containing all the conditions outlined in Schedule "B" of the Report of the Administrative Co-ordinating Group, dated July 5, 2010.

2. That The Winnipeg Zoning By-law No. 200/2006 be amended by rezoning the subject land as shown on Schedule "A" for File DASZ 15/2010 dated May 27, 2010, to an "RMF-S" Residential Multi-Family District.

3. 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 and the creation of additional lots***, said money to be utilized for future infrastructure upgrades for the Brooklands Pioneer Senior Citizens Club***.

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

5. That in the event the application is not proceeded with expeditiously and the by-law is not enacted within 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.

6. That the Director of Legal Services and City Solicitor be requested to prepare the necessary by-law in accordance with the above.

7. That the subdivision section of the by-law shall come into force and effect upon execution by the City of Winnipeg of the Servicing Agreement.

8. That the zoning section of the by-law shall come into force and effect when the Plan of Subdivision has been registered in the Winnipeg Land Titles Office.

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

10. That in the event the necessary City of Winnipeg mylar approval signatures have not been secured within twenty-four (24) months after adoption of the by-law, the matter shall be deemed to be concluded and shall not be proceeded with unless Council extends that time.

11. That the Director of Legal Services and City Solicitor 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 reasons for its recommendation:

1. There are not a lot of other opportunities for residents to stay in the area and the proposed development provides them with some choice.

2. The Ward Councillor is happy that the project is going forward and is a good example of how people can work together to accomplish something beneficial for the area.

PUBLIC HEARING SUMMARY

File: DASZ 15/2010 [c/r DAV 127895/2010D]

Before: Assiniboia Community Committee
Councillor Nordman, Chairperson
Councillor Fielding

Public Hearing: July 13, 2010
West Committee Room
Council Building, 510 Main Street

Applicant: Prairie Architects Inc.

Subject:



Premises Affected: Northwest Corner of William Avenue West and Oddy Street
(formerly 26 Oddy Street)

Exhibits Filed:

1. Application dated May 13, 2010
2. Notification of Public Hearing dated June 2, 2010
3. Title Searches 1161794, 1161830, 1161836, 1161817

4a. Letter of authorization (undated) from the City of Winnipeg to Brooklands Weston Seniors Non-Profit Housing Inc. and/or Acorn Development Consultants Ltd.

4b. Letter of authorization dated May 13, 2010, from Acorn Development Consultants Ltd. to Prairie Architects Inc.

5 Drawing of Subject Property

6. Plans (4 pages)
7. Report from the Planning and Land Use Division dated July 5, 2010
8. Inspection Report
9. Audio Recording of representations

REPRESENTATIONS:

In Support:

Roy Nichol, Acorn Development Consultants Ltd.
Dave Thomas, Prairie Architects Inc.

In Opposition:

Nil

For Information:

Nil

For the City:

Ms S. Matile, Land Development Engineer, Planning, Property and Development Department
Mr. N. Yauk, Planner, Planning, Property and Development Department

Exhibit "7" referred to in File DASZ 15/2010 [c/r DAV 127895/2010D]

ADMINISTRATIVE REPORT

Title: DASZ 15/2010 NW William & Oddy

Critical Path: Assiniboia Community Committee – Standing Policy Committee on Property and Development – Executive Policy Committee - Council as per the *Development Procedures By-law* and *The City of Winnipeg Charter*.

AUTHORIZATION

Author	Department Head	CFO	CAO
P. Regan	n/a	n/a	

RECOMMENDATIONS

1. That the plan of subdivision proposed under File DASZ 15/2010 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 15/2010 dated May 27, 2010, for registration in the Winnipeg Land Titles Office subject to the following:

   A. That the Developer be required to enter into a Servicing Agreement with the City containing all the conditions outlined in Schedule "B" of the Report of the Administrative Co-ordinating Group, dated July 5, 2010.

2. That The Winnipeg Zoning By-law No. 200/2006 be amended by rezoning the subject land as shown on Schedule "A" for File DASZ 15/2010 dated May 27, 2010, to an "RMF-S" Residential Multi-Family District.

3. 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 and the creation of additional lots.

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

5. That in the event the application is not proceeded with expeditiously and the by-law is not enacted within 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.

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

7. That the subdivision section of the by-law shall come into force and effect upon execution by the City of Winnipeg of the Servicing Agreement.

8. That the zoning section of the by-law shall come into force and effect when the Plan of Subdivision has been registered in the Winnipeg Land Titles Office.

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

10. That in the event the necessary City of Winnipeg mylar approval signatures have not been secured within twenty-four (24) months after adoption of the by-law, the matter shall be deemed to be concluded and shall not be proceeded with unless Council extends that time.

11. 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.

REASON FOR THE REPORT

The applicant is proposing a 36 unit seniors housing complex on the proposed site. The site's current "PR2" zoning designation does not accommodate this type of development. The applicant, therefore, has applied to rezone the property to an "RMF-S" Multi-Family District.

IMPLICATIONS OF THE RECOMMENDATIONS

If the recommendations of the Planning and Land Use Division are concurred in, building permits can be issued for the development of a 36 unit multi-family building.

CONSULTATION

In preparing this Report there was consultation with:

N/A

SUBMITTED BY

Department	Planning, Property and Development
Division	Planning and Land Use
Prepared by	Noah Yauk
Date:	July 5, 2010
File No.	DASZ 15/2010

List of Schedules and Attachments

Appendix A – Planning Discussion
Schedule “A” for File No. DASZ 15/10
Schedule B: Report of the Administrative Co-ordinating Group – July 5, 2010

APPENDIX 'A'

Date: July 5, 2010

File: DASZ 15/10

Related Files:

Subject: To rezone land from a "PR2" Parks and Recreation District to an "RMF-S" Residential Multi-Family District and to create 3 parcels in place of 3 existing special lots to allow for the construction of a multiple-family senior's building.

Location: NW William & Oddy

Legal Description: Lots 1, 2 & 27, Plan 24963.



Applicant: Prairie Architects Inc. (Dudley Thompson)

Owner: City of Winnipeg

Recommendation: **Approve with Conditions**

Report Summary:

- The applicant is proposing to develop a 36 unit condominium building.
- The applicant is proposing to rezone the property from a "PR2" Parks and Recreation District to an 'RMF-S' Residential Multi-Family District.
- The Planning and Land Use Division supports this application as the proposed development is consistent and compatible with neighbouring development.
- The proposed development will add a much needed housing type to the area – non-profit seniors housing.

SITE DESCRIPTION:
The subject property is 1.4 acres in size and is located at the northwest corner of William Ave W and Oddy Street in the in the Brooklands Neighbourhood of the St. James/ Brooklands Ward.

SURROUNDING LAND USE AND ZONING
North: Elgin Avenue W, then single family homes zoned "R1-M" Residential District.
South: William Avenue W, then single family homes zoned "R1-M" Residential District.
East: Oddy Street, then single family homes zoned "R1-M" Residential District.
West: Single family homes zoned "R1-M" Residential District.

DESCRIPTION OF THE PROPOSED DEVELOPMENT
The applicant wishes to construct a 36-unit seniors housing building on the subject property. The building is an "L" shaped, two story townhouse with units fronting on William Avenue and Oddy Street The subject site, being a former community centre, requires a rezoning from a "PR2" Parks and Recreation District to an "RMF-S" Residential Multi-Family District. The lands were declared surplus by Council on July 26/06

ANALYSIS:

PLAN WINNIPEG
The proposed development complies with Plan Winnipeg given its location within a Neighbourhood Policy Area of Plan Winnipeg. This accommodates a range of housing types, including that proposed. The development specifically satisfies Plan Winnipeg's aspirations of promoting orderly development and compact urban form (Policy 3A-01 and Policy 3A-02). Plan Winnipeg demands that "the City shall promote compact urban form in support of sustainability by:

- …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" (Plan Winnipeg, p.30).

ZONING
The property is currently zoned “PR2” Parks and Recreation District, and therefore, does not accommodate the proposed residential development. The subject rezoning to an “RMF-S” zoning district will accommodate the proposed development. The “RMF-S” zoning district allows multiple-family development at a maximum density of 35 units per acre (one unit for each 1,250 square feet of lot area) and limits the height of buildings to 35 feet. The proposed development density is well below this maximum and works out to approximately 26 dwelling units per acre. It is noted that the “RMF-S” zoning district is the least intensive multiple-family district of Zoning By-Law 200/2006. As the site is completely bound by residential properties zoned “R1-M”, it is important to point out that the proposed “RMF-S” zoning district shares many of the same dimensional standards with that zoning district (eg. building height of 35 feet, rear yards of 25 feet and side yard setbacks of 4 feet). From a form perspective therefore, these two zoning districts are seen as compatible with each other

COMPATIBILITY WITH EXISTING DEVELOPMENT
The existing neighbouring context can be characterized as predominantly single family. The proposed development offers a residential density that is greater that the existing residential density surrounding the subject property (existing residential development is estimated to be about 10 units per acre). Taking into consideration the history of the site as a community centre and the fact that it is half a block from a major arterial (King Edward Street) suggests that the proposed density is appropriate. The traffic associated with the site as a seniors housing complex is expected to be less than that of the former community centre use. It is noted that all parking and loading activities will be internal to the site with a drop-off area located on the northwest corner of the property behind a landscaped buffer.

The form of the proposed development is seen as sensitive to its surroundings. Though the development occurs in one building, it is oriented to maintain a relationship with the street (at least on William Ave and Oddy St) to match the existing form of residential development. Building articulation will be provided so as to break up a potentially long wall and private sidewalks will be provided from the each ground floor residence on Oddy Street and William Ave W to the front street to replicate the existing built form.

It was noted in the section above that the minimum side yard requirement in the RMF-S zoning district is 4 feet. The developer, however, has provided a greater separation between the proposed building and the existing residential property abutting the site to the west by providing a side yard setback of 10 feet (which is to the building’s west stairwell).

The applicant has indicated that they have consulted with the area residents association and that the proposed site design was preferred over other options.

TRANSIT
It is noted that the proposed development is served by public transit with an existing transit stop located approximately 500 feet west the subject site on King Edward Street. Since the development will provide seniors housing, the applicant has been advised that consultation with Winnipeg Handi-Transit

RECOMMENDATION

The Planning and Land-Use Division supports rezoning of the property from a ‘’PR2” Parks and Recreation District to an “RMF-S” residential District. The new zoning designation will complement the existing residential development in the area and provide a much needed housing type within the community.

The Planning and Land Use Division recommends approval, subject to the following conditions:

1. That the plan of subdivision proposed under File DASZ 15/2010 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule “A” for File DASZ 15/2010 dated May 27, 2010, for registration in the Winnipeg Land Titles Office subject to the following:

    A. That the Developer be required to enter into a Servicing Agreement with the City containing all the conditions outlined in Schedule “B” of the Report of the Administrative Co-ordinating Group, dated July 5, 2010.

2. That The Winnipeg Zoning By-law No. 200/2006 be amended by rezoning the subject land as shown on Schedule “A” for File DASZ 15/2010 dated May 27, 2010, to an “RMF-S” Residential Multi-Family District.

3. 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 and the creation of additional lots.

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

5. That in the event the application is not proceeded with expeditiously and the by-law is not enacted within 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.

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

7. That the subdivision section of the by-law shall come into force and effect upon execution by the City of Winnipeg of the Servicing Agreement.

8. That the zoning section of the by-law shall come into force and effect when the Plan of Subdivision has been registered in the Winnipeg Land Titles Office.

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

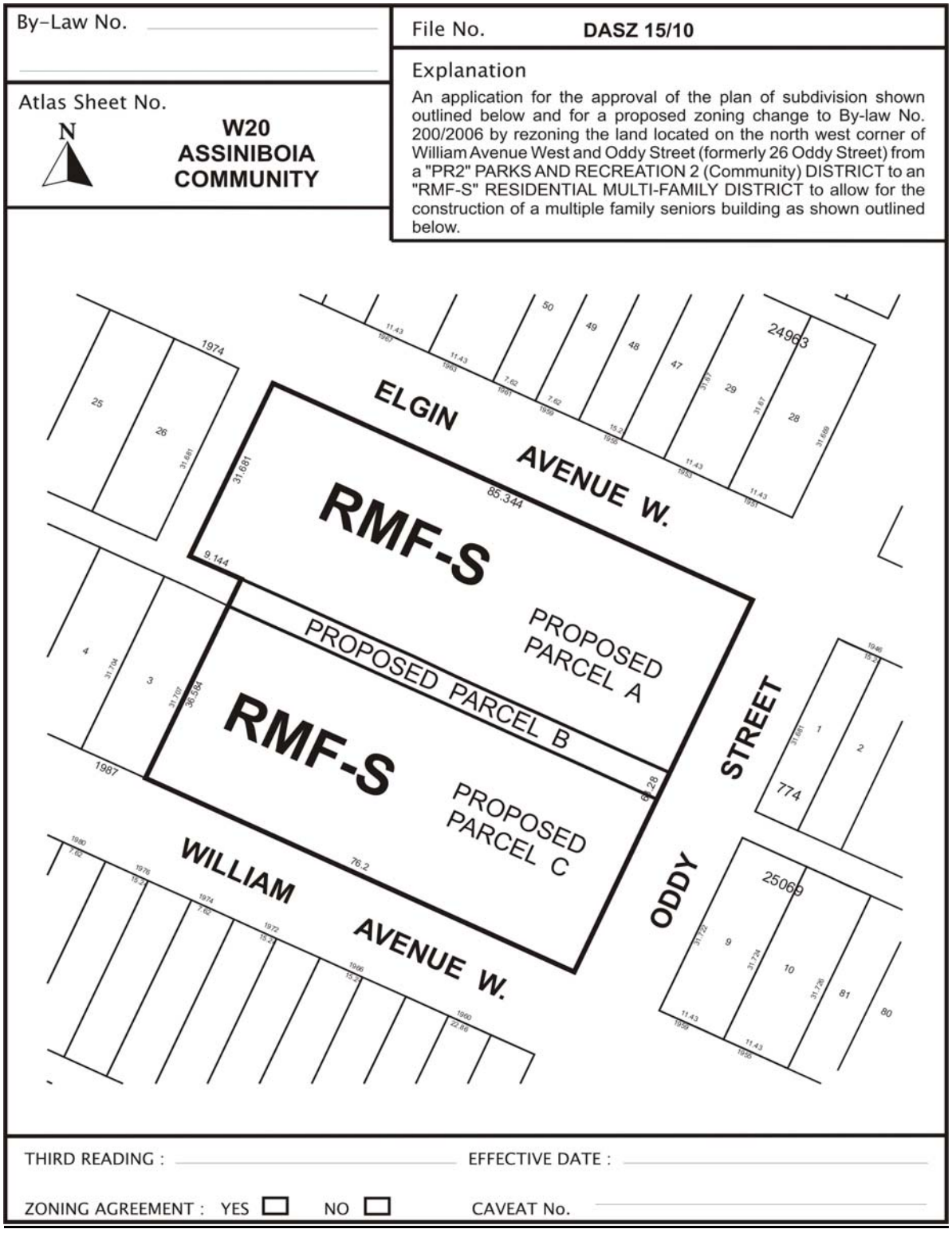
10. That in the event the necessary City of Winnipeg mylar approval signatures have not been secured within twenty-four (24) months after adoption of the by-law, the matter shall be deemed to be concluded and shall not be proceeded with unless Council extends that time.

11. 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
July 5, 2010
PPD File # DASZ 15/10

SCHEDULE "A" FOR FILE NO. DASZ 15/10, ASSINIBOIA COMMUNITY COMMITTEE, DATED NOVEMBER 25, 2009



SCHEDULE B: REPORT OF THE ADMINISTRATIVE CO-ORDINATING GROUP – JULY 5, 2010

RE: PROPOSED SUBDIVISION & REZONING OF LAND AT NW CORNER WILLIAM AVENUE WEST AND (#26) ODDY STREET - DASZ 15/10

It is recommended that the approval of DASZ 15/10 be subject to the applicant entering into a **Servicing Agreement** with the City of Winnipeg, containing the following conditions:

1. The Developer shall, at no expense to the City, upgrade the watermain(s) in the area to meet the fire-protection requirements of the currently proposed development to the satisfaction of the Director of Water & Waste. Alternatively, the Developer shall initiate discussions with the Fire Department and provide options, such as installing sprinklers and/or constructing fire walls between building wings, for decreasing the required fire flow such that the available fire protection becomes adequate – all as demonstrated by an Engineer to be retained by the Developer and all as approved by the Director of Water and Waste.

2. The Developer shall, at no expense to the City, remove the existing portland cement concrete pavement within the boulevard area abutting Oddy Street and restore the boulevard, sidewalk, and curb, as required, all as determined by, and to the satisfaction of, the Director of Public Works.

3. The Developer shall pay all costs associated with the relocation of street lights and other utilities made necessary as a result of, or required to accommodate, the works to be constructed by the Developer to serve the Planned Area, as determined by, and to the satisfaction of, the Director of Public Works.

4. The Developer shall, at no expense to the City, ensure that construction traffic uses access routes determined by the Director of Public Works; maintain those access routes, at no expense to the City, in a clean, dust-free condition, free of dropped and tracked-on mud; and undertake the regular cleaning of streets – all until building construction, including landscaping, is complete, and all as determined by, and to the satisfaction of, the Director of Public Works.

5. The Developer shall, at no expense to the City, initiate and control the regular cleanup of litter and refuse from the contractors and builders for this development, both on-site and off-site, during the installation of services and construction of buildings, until completion of all construction, as determined by, and to the satisfaction of, the Director of Public Works.

6. Following completion of all major construction works, the Developer shall, at its cost, have the locations of the survey monuments within the Planned Area verified and, where the survey monuments have been disturbed, moved, covered, mutilated, or destroyed, have them replaced by a Manitoba Land Surveyor, who shall provide the Director of Planning, Property and Development with a certificate that all survey monuments within the Planned Area have been verified and/or replaced.

7. The Developer shall pay the full cost of engineering services provided by or on behalf of the City in connection with the installation of, and provision of as-built drawings by March 31 of the year following substantial performance showing, the services required to serve the Planned Area.

8. The Developer shall pay to the City, prior to the release of the subdivision mylars for registration in the Land Titles Office, $1,200.00 per acre of Planned Area (minimum $1,650.00) plus GST to defray the City's administration and related costs associated with the preparation and implementation of the Servicing Agreement.

THIS REPORT SUBMITTED BY:

Administrative Co-ordinating Group
File No. DASZ 15/10
July 5, 2010

"original signed by S.M. Matile, P. Eng."
S. M. Matile, P. Eng., Chair
Land Development Branch

"original signed by R.J. Hartmann, P. Eng."
R. J. Hartmann, P. Eng.
Public Works Department, Transportation Division

"original signed by F. C. Mazur, P. Eng."
F. C. Mazur, P. Eng.
Water & Waste Department