Minutes – Executive Policy Committee – September 21, 2011

REPORTS

Minute No. 445 Rezoning – 379 – 383 Langside Street and 336 – 350 Young Street (Daniel McIntyre Ward) File DAZ 210/2011

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

The Executive Policy Committee concurred in the recommendation of the City Centre Community Committee and recommends to Council:

1. That the Winnipeg Zoning By-law No. 200/2006 be amended by rezoning the subject land as shown on Schedule "B" for File DAZ 210/2011 dated September 6, 2011, to a "PR1" Parks and Recreation (Neighbourhood) 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 final plans showing the location and detail of landscaping and lighting shall be submitted to the Director of Planning, Property, and Development for approval prior to the issuing of any development or building permits; and the applicant shall maintain all 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 Director of Legal Services and City Solicitor 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 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.

DECISION MAKING HISTORY:

Moved by Councillor Browaty,

That the recommendation of the City Centre Community Committee be concurred in and forwarded to Council.

Carried

COMMUNITY COMMITTEE RECOMMENDATION:

On September 13, 2011, 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 - 379 – 383 Langside Street and 336 – 350 Young Street**
File DAZ 210/2011

For submission to: **Executive Policy Committee**

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

Report date: **September 14, 2011**

COMMUNITY COMMITTEE RECOMMENDATION:

On September 13, 2011, 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 "B" for File DAZ 210/2011 dated September 6, 2011, to a "PR1" Parks and Recreation (Neighbourhood) 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 final plans showing the location and detail of landscaping and lighting shall be submitted to the Director of Planning, Property, and Development for approval prior to the issuing of any development or building permits; and the applicant shall maintain all 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 Director of Legal Services and City Solicitor 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.

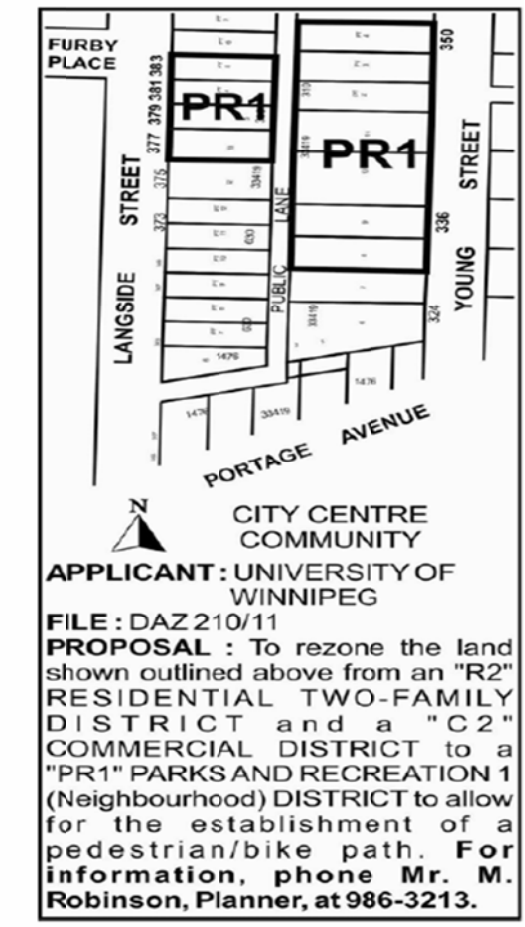
6. That the Proper Officers of the City are hereby authorized to execute said Zoning Agreement.

7. That the 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.

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

1. This development improves the neighbourhood.

PUBLIC HEARING SUMMARY

File:	DAZ 210/2011
Before:	City Centre Community Committee Councillor Gerbasi, Chairperson Councillor Orlikow Councillor Smith
Public Hearing:	September 13, 2011 North Committee Room Council Building, 510 Main Street
Applicant:	University of Winnipeg (Hugh Swan)
Subject:	
Premises Affected:	379 – 383 Langside Street and 336 – 350 Young Street

Exhibits Filed:

1. Application dated May 5, 2011
2. Notification of Public Hearing dated June 15, 2011
3. Manitoba Status of Title(s) 2239781, 2239977, 2239978, 2239779, 2239980, 2239981, 2239982, 2298629 and 2492773
4. Surveyor's Building Location Certificate and sketch dated February 4, 2011
5. Plans (2 pages)
6. Report from the Planning and Land Use Division dated September 6, 2011
7. Inspection Report
8. Audio Recording of representations

REPRESENTATIONS:

In Support:

Nil

In Opposition:

Nil

For Information:

Nil

For the City:

Mr. M. Robinson, Senior Planner, Planning, Property and Development Department

Exhibit "6" referred to in File DAZ 210/2011

ADMINISTRATIVE REPORT

Title: DAZ 210/2011 – 379 Langside (336 Young St)

Issue: For consideration at the public hearing to create an AT pathway and park space

Critical Path: City Centre Community Committee → Standing Policy Committee on Property and Development → Executive Policy Committee → Council

AUTHORIZATION

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

RECOMMENDATIONS

1. That the Winnipeg Zoning By-law No. 200/06 be amended by rezoning the subject land as shown on Schedule "B" for File DAZ 210/2011 dated September 6, 2011, to a "PR1" Parks and Recreation (Neighbourhood) 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 final plans showing the location and detail of landscaping and lighting shall be submitted to the Director of Planning, Property, and Development for approval prior to the issuing of any development or building permits; and the applicant shall maintain all 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 Director of Legal Services and City Solicitor 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.

5. 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.

REASON FOR THE REPORT

- The University of Winnipeg intends to develop the subject property into a "green corridor" that will link its new Richardson College and McFeetors Hall buildings with the rest of the campus. It will provide a pathway for pedestrians and cyclists, as well as park space.
- If Council chooses to proceed with the proposed rezoning, it should be done in accordance with Schedule "B"; the university has requested that 379 Langside not be included to consider other development options on the property.
- The subject property is comprised of 11 lots zoned "R2" Residential Two-Family and "C2" Commercial Community districts. The total subject area is 35,659 sq. ft.

IMPLICATIONS OF THE RECOMMENDATIONS

If the recommendations of the Planning and Land Use Division are concurred in, the subject property will be rezoned.

CONSULTATION

In preparing this report there was consultation with:

N/A

SUBMITTED BY

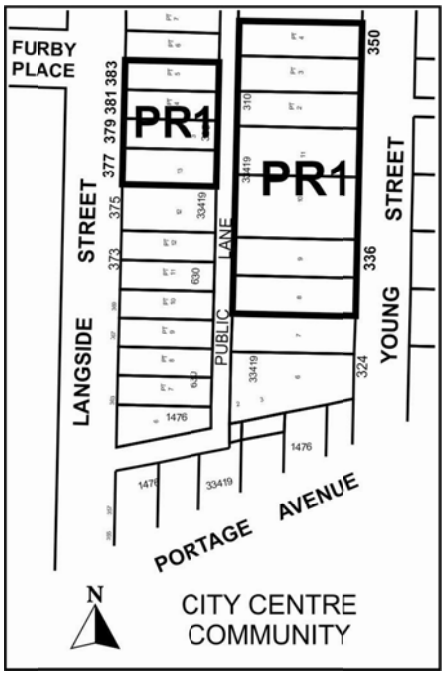
Department	Planning, Property and Development
Division	Planning and Land Use
Prepared by	Michael Pyl
Date:	September 6, 2011
File No.	DAZ 210/11

APPENDIX 'A'

DATE: September 6, 2011
FILE: DAZ 210/2011
RELATED FILES:
COMMUNITY: City Centre
NEIGHBOURHOOD #: 1.104

SUBJECT: To rezone the subject property from "R2" Residential Two-Family district and "C2" Commercial Community district to "PR1" Parks and Recreation (Neighbourhood) district.

LOCATION: 379-383 Langside St/336-350 Young St



APPLICANT: University of Winnipeg (Hugh Swan)
515 Portage Av
Winnipeg, MB R3B 2E9

OWNER: (Same as above)

RECOMMENDATION: Approval

REPORT SUMMARY

- The University of Winnipeg intends to develop the subject property into a "green corridor" that will link its new Richardson College and McFeetors Hall buildings with the rest of the campus. It will provide a pathway for pedestrians and cyclists, as well as park space.

- If Council chooses to proceed with the proposed rezoning, it should be done in accordance with Schedule “B”; the university has requested that 379 Langside not be included to consider other development options.
- The subject property is comprised of 11 lots zoned “R2” Residential Two-Family and “C2” Commercial Community districts. The total subject area is 35,659 sq. ft.

SITE DESCRIPTION

- The subject property is located between Langside St and Young St, between Portage Av and Ellice Av, in the Spence neighbourhood of the Daniel McIntyre ward.
- The is occupied by 11 different lots – Lots 3, 4, and 5 of Block 1, Plan 325, Lots 8, 9, 10, 11, and 13 of Plan 33419, and Lots 2, 3, and 4 of Plan 310. They have a combined frontage of 106.5 ft. along Langside and 252 ft. along Young, and a combined total area of 35,659 sq. ft. The site is zoned “R2” Residential Two Family district, with the exception of Lots 8, 9, and 10 of Plan 33419, which are zoned “C2” Commercial Community district.
- On Langside, adjacent properties include single family dwellings to the south zoned “R2”, a two storey multi family apartment building to the north zoned “R2”, and the University of Winnipeg buildings McFeetors Hall and Richardson College for the Environment and Science building to the west zoned “CMU” Commercial Mixed Use. On Young, adjacent properties include a commercial warehouse building to the south zoned “C2”, a six storey multifamily apartment building to the north zoned “R2”, and the CBC building and Spence St bus terminal to the east zoned “M” Multiple Use Sector under the Downtown Zoning By-law No. 100/04.



Figure 1: Site map of subject property and surrounding neighbourhood according to Schedule “B”

DESCRIPTION OF THE PROPOSED DEVELOPMENT

- The University of Winnipeg intends to develop the subject property into a "green corridor" that will link its new Richardson College and McFeetors Hall buildings with the rest of the campus.
- The corridor will provide park space as well as a pathway for bicycles and pedestrians. There will be no other development on the subject property.
- Schedule "A", as was advertised, includes Lot 13 of Plan 33419 (379 Langside), which is occupied by a single family dwelling currently being used as a construction office. However, the university has requested that this lot NOT be included in the rezoning in order to consider other development options. As a result, the subject property is proposed to be rezoned according to Schedule "B".

BACKGROUND

DAZ 202/08

- On July 16, 2008, Council approved a rezoning to "CMU" Commercial Mixed Use on land adjacent to the southwest of the subject property bounded between Portage Av, Langside St, Furby St, and Furby Pl. This was done in order to accommodate the Richardson College of the Environment and Science and McFeetors Hall.
- It was approved subject to plans for the location and design of the proposed buildings, accessory parking areas, private approaches, garbage enclosures, fencing, landscaping, and signage approved by the Director of Planning, Property, and Development, as well as a restriction on advertising signs, mobile signs, poster signs, and A-frame signs.
- The planner's report made reference to the university having already begun assembling land to accommodate the proposed pedestrian path.
- This approval was granted in concurrence with DAV 08-107662D, DCU 08-109179D, and DAC 7/2008.

Other history

- The University of Winnipeg has been preparing land for this development for a number of years. The City of Winnipeg has issued a number of demolition permits in recent years for lots comprising the subject property. These include:
    - 379 Langside (issued in 2007)
    - 381 Langside (issued in 2007 as per DEMO 07-165433)
    - 383 Langside (issued in 2008)
    - 342 Young (issued in 2009)
- The university's DEMO application (07-165433) acknowledged the future pedestrian path. Further, the planner's report stated that, in response to concerns that the demolition of the dwelling would result in the deterioration of the surrounding neighbourhood, the redevelopment of the site as a green space should be done expeditiously.

ANALYSIS AND ISSUES

OurWinnipeg and Complete Communities Direction Strategy

- The Complete Communities Direction Strategy is one of four direction strategies supporting OurWinnipeg, the city's new long-range development plan, and is intended to

gain statutory authority as a secondary plan. The strategy is intended to serve as a "playbook" to guide land use and development in Winnipeg. It received third reading at City Council on July 20, 2011, and became effective on August 17, 2011.

- The subject property is classified as a "Mature Community" is Complete Communities' Urban Structure map. These areas are defined by a grid road network with back lanes and sidewalks, older housing stock in the form of low to moderate densities and a finer mix of land uses along many of the commercial streets. They present some of the best opportunities to accommodate infill development, to increase housing choice and to maximize the use of existing infrastructure. Complete Communities notes there is room to improve upon these characteristics – particular challenges will be strengthening public transit and active transportation, conserving the ageing building stock and increasing housing choice while maintaining existing neighbourhood character.
- The subject property also lies adjacent to the "Downtown" border (Young St) and, consequently, shares many characteristics with it. Policy directions for "Downtown" include:
    - Promote walking as a mode of preference within Downtown by focusing investment in pedestrian improvements along routes that:
        - Promote direct and efficient connectivity between defined districts, destinations, and clusters.
        - Readily incorporate design features to enhance comfort, safety, and security through environmental design and universal design standards.

Zoning

- The Residential Two-Family (R2) district is intended to accommodate the development of single- and two-family units and where appropriate limited multi-family units in lower-density neighbourhoods.
- The Commercial Community (C2) district is intended to accommodate more intensive commercial sites that do not have a local or neighbourhood orientation. The district is intended to include attractive commercial, institutional, recreational, and service facilities needed to support the surrounding neighbourhoods and the broader community. C2 districts are generally located along collector streets, at arterial/collector intersections, or along portions of arterial streets with relatively shallow lots.
- The Parks and Recreation 1 (PR1) district is intended for sites that are generally passive neighbourhood and community parks and facilities with predominantly pedestrian and cyclist access. These sites may provide unstructured drop-in play and recreation opportunities, including play structures, passive parks, plazas and natural areas. Generally, there are no parking facilities associated with these uses. These parks and open spaces typically occur in a residential neighbourhood or riverbank context and are generally accessed by residential streets.



Figure 2: Zoning map of subject property and surrounding neighbourhood

- Section 62 of Zoning By-law No. 200/06 prescribes all permitted and conditional principal uses in each zoning district. In the "PR1" district, the following uses are permitted:

Permitted	Conditional
Community gardens Park/plaza/square/playground Utility facility, minor	Cemetery, mausoleum, columbarium Day care centre Gallery/museum

Figure 3: All permitted and conditional uses in the "PR1" district

Site design issues

- The acronym CPTED stands for Crime Prevention Through Environmental Design and is based on the idea that the physical environment can be modified to produce or induce behavioural effects that will reduce the fear and incidence of crime and improve quality of life.
- The design of the corridor should promote CPTED principles by optimizing visual permeability to allow for ample "eyes on the street". This includes:
    - Enhance visual permeability through the provision of wide sightlines and the strategic use and placement of park benches and lighting.
    - Ensure landscaping enhances, not detracts from, natural surveillance opportunities.
    - Any future development abutting the corridor should strategically align building entrances, windows, and work stations to enhance surveillance.

- Plan approval is recommended as a condition of approval to ensure that the corridor is developed with these principles in mind, as well as other design considerations.

Compatibility with the surrounding neighbourhood

- This proposed green corridor has been contemplated for a considerable amount of time. It was referenced in a report produced by the Planning and Land Use Division in 2008 (DAZ 202/08) but was likely anticipated well in advance of this.
- Connectivity is a principle embedded both implicitly and explicitly in Complete Communities. The Direction Strategy is broadly supportive of strengthening active modes of transportation, and makes specific reference to establishing direct routes between different destinations.
- The proposed corridor legitimizes what would be a natural travel path anyway. With the university's recent westward expansion, students travelling to and from the main campus will be traversing this route, whether it is a park or a path of parking area and vacant lots. The PLU Division recognizes this and acknowledges this route should be developed to maximize pedestrian comfort and accessibility.
- The proposed development will provide recreational space for both the university as well as the surrounding community.

RECOMMENDATION

The Planning and Land Use Division is supportive of the proposed development. An active transportation corridor and park legitimizes what would be a natural path of travel between the main U of W campus and the new Richardson College building and encourages active transportation. It also provides recreational spaces for both the university as well as the surrounding community.

The PLU Division has no concerns with the applicant's request to remove 379 Langside from the proposed rezoning. Zoned "R2", it is already permitted to establish a "park/plaza/square/playground" use as-of-right and, therefore, can easily be incorporated into the green corridor if the university wishes to do so. If they wish to develop a use that is not permitted as per its zoning, it will be evaluated in a future public hearing.

The PLU Division has included a clause requiring the applicant to provide ten percent land dedication as per the requirements of the City of Winnipeg Charter. However, it is recommended that this clause be waived given that the proposed development will provide 35,000 sq. ft. of park space.

It is recommended that the site's development be subject to plan approval to the Director of Planning, Property, and Development in order to evaluate future plans in relation to CPTED principles.

This Report Submitted by: Michael Pyl
Planning, Property and Development Department
Planning and Land Use Division
Report Prepared by: PPD File # DAZ 210/2011

APPENDIX 'B'

Schedule "A" for File No. DAZ 210/11, City Centre Community Committee, dated September 6, 2011.

By-Law No. _____

File No. **DAZ 210/11**

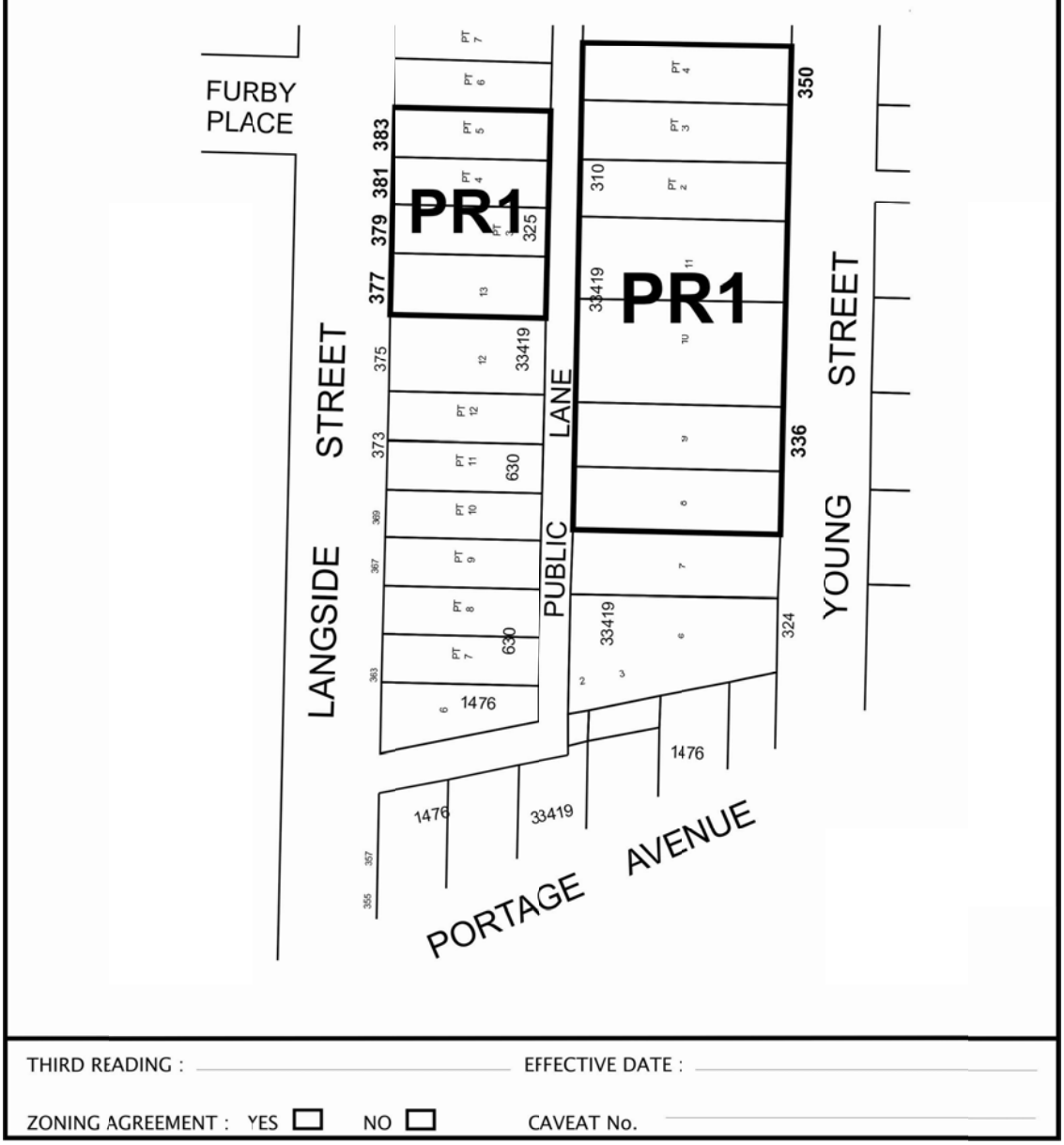
Atlas Sheet No.

N

AA23
CITY CENTRE
COMMUNITY

Explanation

A proposed zoning change to By-law No. 200/2006 by rezoning the land located at 379-383 Langside Street & 336-350 Young Street from an "R2" RESIDENTIAL TWO-FAMILY DISTRICT and a "C2" COMMERCIAL DISTRICT to a "PR1" PARKS AND RECREATION 1 (Neighbourhood) DISTRICT to allow for the establishment of a pedestrian/bike path as shown outlined below.



THIRD READING : _____ EFFECTIVE DATE : _____

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No. _____

Schedule “B” for File No. DAZ 210/11, City Centre Community Committee, dated September 6, 2011.

By-Law No. _____

File No. **DAZ 210/11**

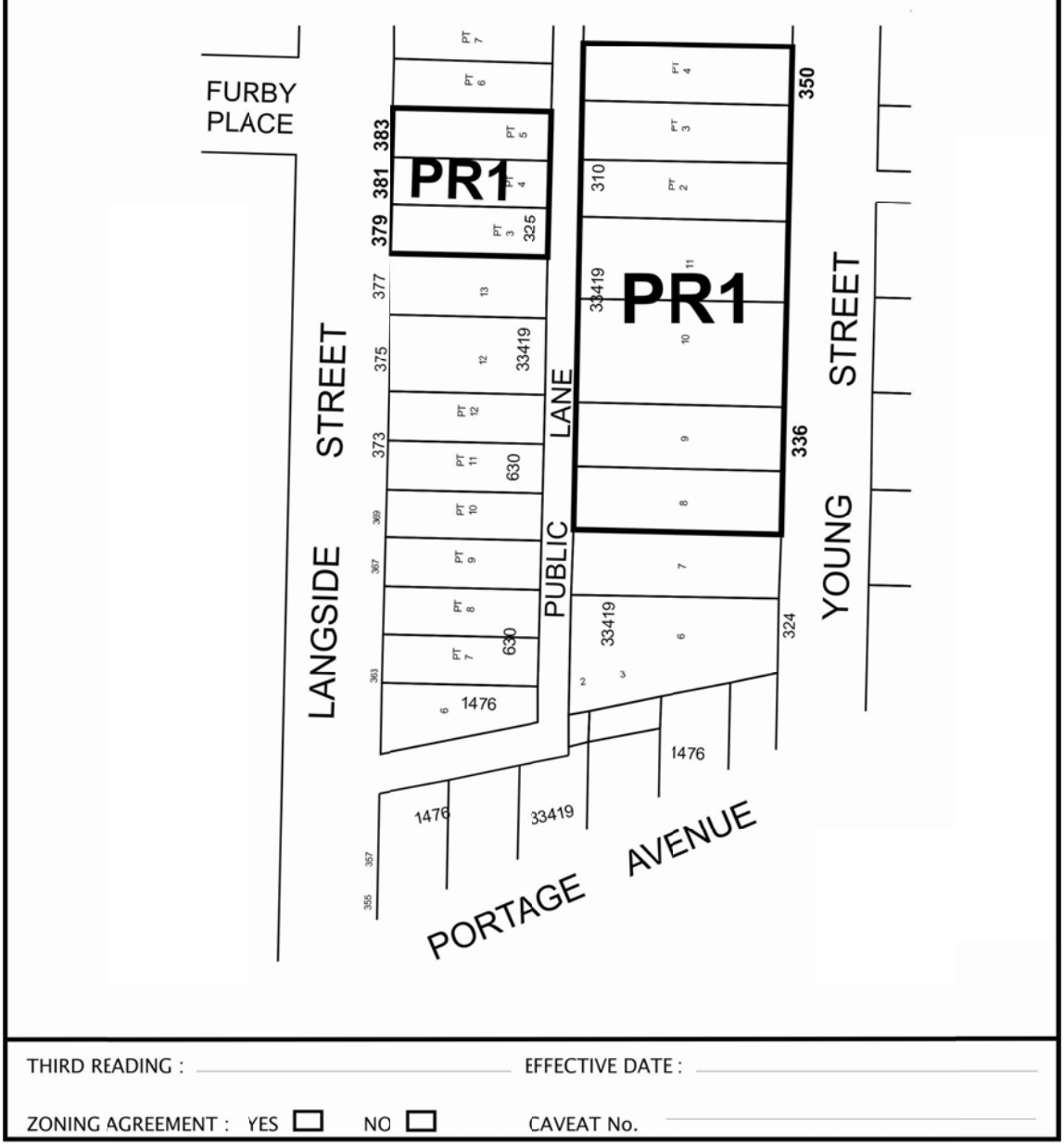
Atlas Sheet No.

N

AA23
CITY CENTRE
COMMUNITY

Explanation

A proposed zoning change to By-law No. 200/2006 by rezoning the land located at 379-383 Langside Street & 336-350 Young Street from an "R2" RESIDENTIAL TWO-FAMILY DISTRICT and a "C2" COMMERCIAL DISTRICT to a "PR1" PARKS AND RECREATION 1 (Neighbourhood) DISTRICT to allow for the establishment of a pedestrian/bike path as shown outlined below.



THIRD READING : _____ EFFECTIVE DATE : _____

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No. _____