Minute No. 641
Report – Standing Policy Committee on Property and Development – October 4, 2011

Item No. 9 **Subdivision and Rezoning – 406 River Avenue, 102 Bole Street and unaddressed Bole Street Lot 108 (previous address 100 Bole Street) (Fort Rouge-East Fort Garry Ward)**
File DASZ 28/2011

COUNCIL DECISION:

Council concurred in the recommendations 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 DASZ 28/2011 dated September 1, 2011 to an "RMF-L" Residential Multi-Family District, subject to the following conditions:

    i. That for the development of any building and/or accessory parking area and/or signage, plans shall be submitted showing the location and design of the proposed buildings, the location and design of accessory parking areas, private approaches, garbage enclosures, fencing, landscaping and signage to the Director of Planning, Property and Development for plan approval prior to the issuance of any building or development permit, and thereafter all to be constructed and maintained to the satisfaction of the Director of Planning, Property and Development.

    ii. That the height of any building shall be limited to five (5) stories and sixty (60) feet.

    iii. That the density be limited to 26 dwelling units.

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.

Report – Standing Policy Committee on Property and Development – October 4, 2011

COUNCIL DECISION (continued):

4. That the Director of Legal Services and City Solicitor be requested to prepare the necessary rezoning by-law and forward the 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.

Report – Standing Policy Committee on Property and Development – October 4, 2011

DECISION MAKING HISTORY:

Moved by Councillor Browaty,

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

Carried

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On October 12, 2011, the Executive Policy Committee concurred in the recommendations of the Standing Policy Committee on Property and Development and the City Centre Community Committee and submitted the matter to Council.

STANDING COMMITTEE RECOMMENDATION:

On October 4, 2011, the Standing Policy Committee on Property and Development concurred in the recommendation of the City Centre Community Committee and submitted the matter to the Executive Policy Committee and Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On September 13, 2011, the City Centre Community Committee concurred in the recommendation of the Winnipeg Public Service and forwarded the matter to the Standing Policy Committee on Property and Development.

RE: **Subdivision and Rezoning - 406 River Avenue, 102 Bole Street and unaddressed Bole Street Lot 108 (previous address 100 Bole Street) File DASZ 282011**

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

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 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 DASZ 28/2011 dated September 1, 2011 to an "RMF-L" Residential Multi-Family District, subject to the following conditions:

    i. That for the development of any building and/or accessory parking area and/or signage, plans shall be submitted showing the location and design of the proposed buildings, the location and design of accessory parking areas, private approaches, garbage enclosures, fencing, landscaping and signage to the Director of Planning, Property and Development for plan approval prior to the issuance of any building or development permit, and thereafter all to be constructed and maintained to the satisfaction of the Director of Planning, Property and Development.

    ii. That the height of any building shall be limited to five (5) stories and sixty (60) feet.

    iii. That the density be limited to 26 dwelling units.

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 the 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. The concerns raised have been addressed including parking and foundation sensitivity.

2. Overall this is a positive project for the Osborne Village area.

PUBLIC HEARING SUMMARY

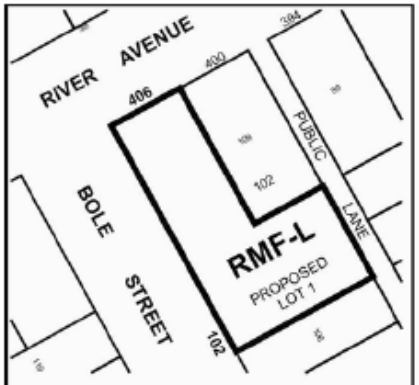
File: DASZ 28/2011

Before: North Community Committee
Councillor Gerbasi, Chairperson
Councillor Orlikow
Councillor Smith

Public Hearing: September 13, 2011
North Committee Room
Council Building, 510 Main Street

Applicant: 5468796 Architecture Inc. (Zach Pauls)

Subject:



APPLICANT : 5468796 ARCHITECTURE
FILE : DASZ 28/11
PROPOSAL : An application for the approval of the plan of subdivision shown outlined above as may be determined by Council and for a proposed zoning change to By-law No. 200/2006 by rezoning the land shown outlined above from an "RMF-M" RESIDENTIAL MULTI-FAMILY (Medium) DISTRICT to an "RMF-L" RESIDENTIAL MULTI-FAMILY (Large) DISTRICT to allow for the construction of a multiple family dwelling (26 units). **For information, phone Mr. M. Robinson, Planner, at 986-3213.**

Premises Affected: 406 River Avenue, 102 Bole Street, and unaddressed Bole Street Lot 108 (previous address 100 Bole Street)

Exhibits Filed:

1. Application dated July 8, 2011
2. Notification of Public Hearing dated July 21, 2011
3. Manitoba Status of Titles 2431678 and 2476999
4. Letter of authorization dated June 28, 2011 from 5999333 Manitoba Ltd. to 5468796 Architecture In.

5a. Zoning Memorandum No.1286 dated May 6, 1982

5b. Zoning Memorandum No. 2891 dated May 12, 1989

6. Plans (4 pages)
7. Report from the Planning and Land Use Division dated August 29, 2011
8. Inspection Report
9. Communication dated July 22, 2011, from Jacqueline Morgan, in opposition to the application, submitted by Trevor O'Toole at the public hearing
10. Petition, 7 pages, in opposition to the application, submitted by Barry Antonius at the public hearing
11. Communication from Jacqueline Morgan, dated September 12, 2011, in opposition to the application, submitted by Barry Antonius at the public hearing
12. Communication from Brenda and Abe Borzykowski, dated September 12, 2011, in opposition to the application, submitted by Barry Antonius at the public hearing
13. Communication from John McCulloch, dated September 12, 2011, in opposition to the application, submitted by Barry Antonius at the public hearing
14. Presentation, in opposition to the application, submitted by Barry Antonius at the public hearing
15. Audio Recording of representations

REPRESENTATIONS:

In Support:

Peter Grose
Trevor O'Toole
Sasa Radulovyk
Lee Timchuk

In Opposition

Barry and Leslie Antonius
Brenda and Abe Borzykowski
John McCulloch
Jacqueline Morgan

For Information:

Laurie Barron

For the City:

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

Exhibit "7" referred to in File DASZ 28/2011

ADMINISTRATIVE REPORT

Title: DASZ 28/2011 – 406 River Avenue & 102 Bole Street

Issue: For consideration at the public hearing for a Rezoning and Subdivision for DASZ 28/2011 – 406 River Avenue & 102 Bole Street

Critical Path: City Centre Community Committee 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 Winnipeg Zoning By-law No. 200/06 be amended by rezoning the subject land as shown on Schedule "A" for File DASZ 28/2011 dated September 1, 2011 to an "RMF-L" Residential Multi-Family District, subject to the following conditions:

    i. That for the development of any building and/or accessory parking area and/or signage, plans shall be submitted showing the location and design of the proposed buildings, the location and design of accessory parking areas, private approaches, garbage enclosures, fencing, landscaping and signage to the Director of Planning, Property and Development for plan approval prior to the issuance of any building or development permit, and thereafter all to be constructed and maintained to the satisfaction of the Director of Planning, Property and Development.
    ii. That the height of any building shall be limited to five (5) stories and sixty (60) feet
    iii. That the density be limited to 26 dwelling units

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 the 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.

REASON FOR THE REPORT

The Report is being submitted for the Committee's consideration of the development application at the Public Hearing.

IMPLICATIONS OF THE RECOMMENDATIONS

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

CONSULTATION

In preparing this Report there was consultation with:
N/A

SUBMITTED BY

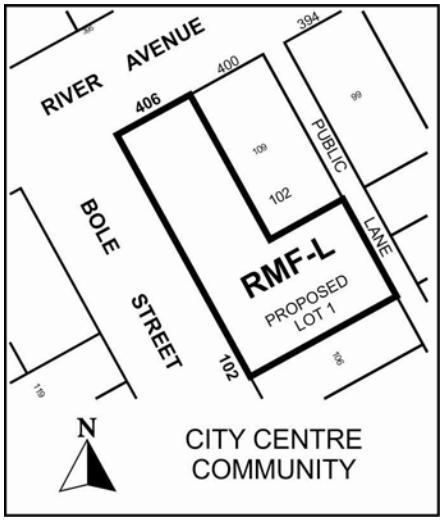
Department	*Planning, Property and Development*
Division	*Planning and Land Use*
Prepared by	Michael Robinson, AICP
Date:	August 29, 2011
File No.	DASZ 28/2011

APPENDIX 'A'

DATE: August 29, 2011
FILE: DASZ 28/2011
RELATED FILES: DAV 11-147205/D
COMMUNITY: City Centre Community
NEIGHBOURHOOD #: 1.111

SUBJECT: To rezone the subject land from a "RMF-M" Residential Multi-Family District to a "RMF-L" Residential Multi-Family District

LOCATION: 406 River Avenue and 102 Bole Street
LEGAL DESCRIPTION: Lot 110 Plan 102, Lot 107 Plan 102, Lot 108 Plan 102



APPLICANT: 5468796 Architecture (Zach Pauls)

OWNER: 5999333 MB Ltd (Pete Grose)

RECOMMENDATION: Approval

SITE DESCRIPTION
The subject properties, which are currently zoned "RMF-M" Residential Multi-Family District, are located at the southeast corner of River Avenue and Bole Street in the Osborne Village neighborhood of the Fort Rouge – East Fort Garry ward.

North: River Avenue, then residences zoned "RMF-M" Residential Multi-Family District
South: Residences zoned "R2" Residential Two-Family District
East: Residences zoned "RMF-M" Residential Multi-Family District
West: Bole Street, then residences zoned "RMF-M" Residential Multi-Family District

DESCRIPTION OF THE PROPOSED DEVELOPMENT
The applicant seeks approval to consolidate three existing lots into one lot and rezone from a "RMF-M" Multi-Family District to a "RMF-L" Residential Multi-Family District to allow for the redevelopment of the site by constructing a new, five storey, 26 unit multi-family development with townhouses at grade and 2, 3, & 4 bedroom suites. The majority of parking (up to 30 stalls) will be enclosed.

Current Use
The subject properties are currently occupied by the following uses
406 River – multiple-family dwelling
Unaddressed Bole Street – parking lot
102 Bole Street – single-family dwelling

Reason for application
The proposed density exceeds what is allowed in "RMF-M" Multi-Family Residential District. "RMF-L" Residential Mutli-Family District, however, allows for a higher density. Consequently, to accommodate the proposed density, a rezoning to "RMF-L" is required.

ANALYSIS AND ISSUES
OurWinnipeg/Complete Communities
Osborne Village has the characteristics of a community mixed use centre in Complete Communities, the City of Winnipeg's land use and development plan.

Community mixed use centres are intended to have higher density development and a broad range of land uses. It is important that development in these areas creates a high-quality street environment and is attractive to residents and visitors alike.

One relevant plan policy for community mixed use centres is as follows:

Encourage moderate to high density housing and higher intensity commercial and mixed use development focused on sustainable transportation

Osborne Village Neighbourhood Plan
The subject property is within the Village Medium Density Residential (V-MDR) sector of the Osborne Village Neighbourhood Plan (By-law 220/2006). The following four specific policies apply to this sector:

4.1.3.A Encourage a mixture of single-family homes, duplexes, townhouses, and multiple-family buildings

4.1.3.B New development will have a minimum of two stories and a maximum of four storeys in height in order to preserve the scale and pedestrian oriented character of this area

4.1.3.C New development along River and Stradbrook Avenues east of Osborne Street may have a maximum of five stories, provided structured parking is included and 4th floor and above are setback from public streets

4.1.3.D Mixed-use buildings combining residential with low intensity office or commercial uses on the ground floor may be approved on River and Stradbrook Avenues, east of Osborne Street

4.1.3.D
Setbacks
Given that the subject property is located on River Avenue, East of Osborne Street, five stories is permitted – however, the fourth and fifth stories will be required to be setback from the street. The setback must be substantial enough that the building appears to be 3 stories from the sidewalk, in order to preserve the existing scale and pedestrian oriented character of this area.

In order to meet this requirement, the Winnipeg Public Service is recommending that for the a significant portion of the building wall of the 4th story be setback 10 feet and a significant portion of the building wall of the 5th story be setback 20 feet, on Bole Street and River Avenues.

Enclosed parking
Much of the parking will be located under the building, which meets the plan requirement for structured parking

Density
The proposed density necessitates a rezoning to the "RMF-L" Residential Multi-Family District. In order to determine whether the proposed density was contextually appropriate, the Winnipeg Public Service requested that the applicant do a assessment of existing densities in the area. The study is provided in Appendix B.

In summary, the subject property will have a density of 1 unit per 446 square feet of lot area. Other adjacent properties which are similar to or exceed this density include:

Address	Units	Density
424 River	68	291 sq ft per unit
390 River	17	291 sq ft per unit
117 Bryce	22	302 sq ft per unit
300 River	32	309 sq ft per unit
395 River	30	480 sq ft per unit

Consequently, given the existing policy in both Complete Communities and the Osborne Village Neighbourhood Plan regarding density and in light of the existing density of other buildings in the vicinity, the proposed density is contextually suitable.

Public Consultation
The applicant held a public open house on August 11, 2011. There were six people in attendance.

Design
The proposed design intends to fit the building into the existing context through the use of multiple entrances and setbacks. These design features will aid in providing a complex building, with visual interest, that respects the character of the area and has consideration for the light, view, and privacy of adjacent buildings and areas.

Multiple entrances
The northernmost portion of the building will have six, two-storey townhouses at ground level.

Accordingly, there will be six separate entrances for the townhomes. This will provide a consistent rhythm to the building, as well as helping to enhance visual interest and to maintain a pedestrian scale.

Setbacks
North side
As previously mentioned, portions of the upper two stories of the north side of the building will be setback from the property line. With the setbacks, the building will appear to a pedestrian as a three storey building, which is the intent of the setback policy in the Osborne Village Neighbourhood Plan.

The top two stories on the east side of the building will also have a larger setback (16 feet instead of 8 feet).

South side
The southernmost portion of the building will be setback 12 feet from the property line, with the fifth story setback 20-22 feet from the property line. This setback will provide a transition between the residences to the south, which have 20-25 foot setbacks, and the northernmost portion of the building which will have zero setback at the first three levels.

The building will also have setbacks for the top two stories on the northeast sides (16 feet instead of 7-8 feet), for the 2nd-5th stories on the east side (20 feet instead of 4 feet), and for the 2nd-5th stories on the south side (8-16 feet instead of 4 feet).

Design Guidelines
As the design of the building is yet to be finalized, the Winnipeg Public Service is recommending plan approval, prior to the issuance of any development permits. Design guidelines are being included, in Appendix C, to aid in the plan approval process.

RECOMMENDATIONS

- The rezoning is consistent with Complete Communities and the Osborne Village Neighbourhood Plan

This Report Submitted by:
Planning, Property and Development Department
Planning and Land Use Division

Report Prepared by: Michael Robinson, AICP
PPD File # DASZ 228/2011

APPENDIX "A"
Schedule "A" for File No. DASZ 28/2011, City Centre Community Committee, dated August 29, 2011

By-Law No. _____

File No. **DASZ 28/11**

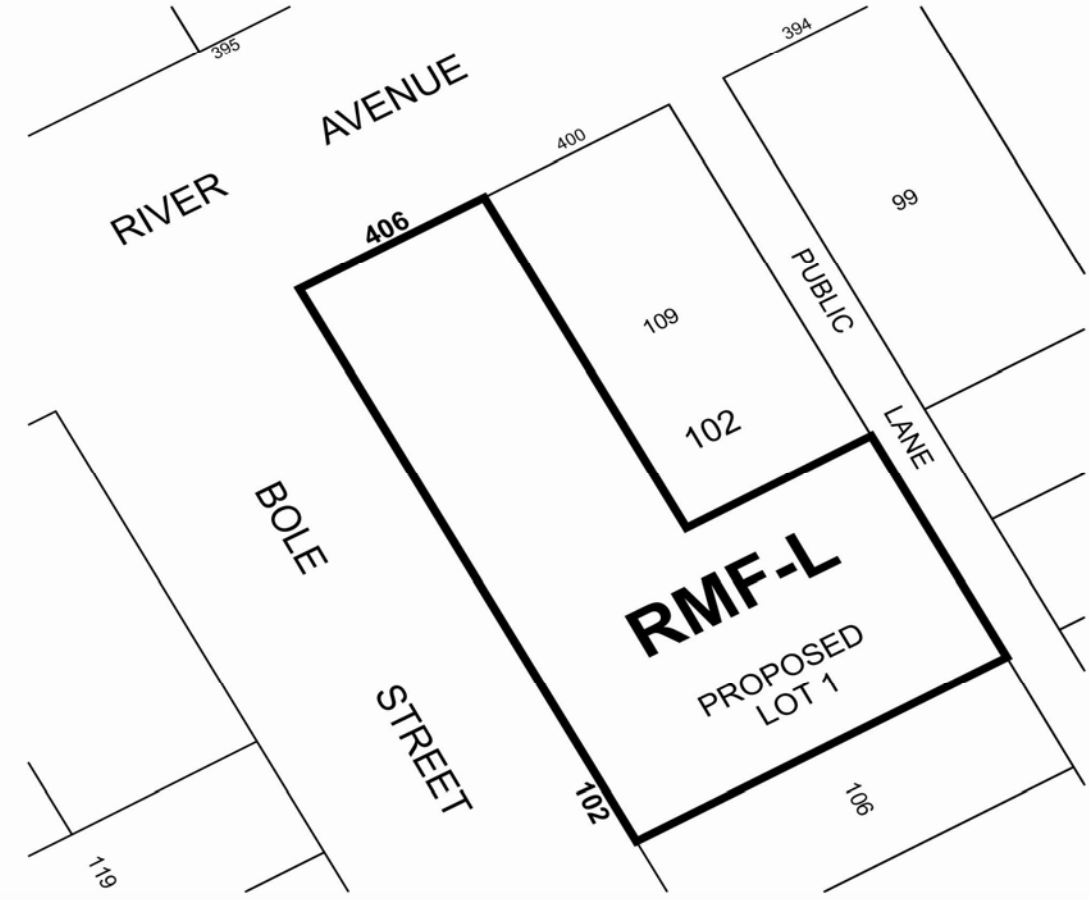
Atlas Sheet No.

N

AB24
CITY CENTRE
COMMUNITY

Explanation

An application for the approval of the plan of subdivision shown outlined below and for a proposed zoning change to By-law No. 200/2006 by rezoning the land located at 406 River Avenue, 102 Bole Street and unaddressed land to the north from an "RMF-M" RESIDENTIAL MULTI-FAMILY (Medium) DISTRICT to an "RMF-L" RESIDENTIAL MULTI-FAMILY (Large) DISTRICT to allow for the construction of a multiple family dwelling (26 units) as shown outlined below.



THIRD READING : _____ EFFECTIVE DATE : _____

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No. _____



Figure 1: Aerial Photo (Flown in 2009)

Appendix B
Density Analysis



Appendix C
Design Guidelines

The overall goals are to ensure:

- That the development achieves an urban character and reinforces the relationship between the building and the street
- That the development reinforces and contribute to a strong streetscape and pedestrian oriented environment
- That the development is complimentary to the unique character of the area and reinforces that character
- That the development incorporates high quality urban and architectural design which reflects the diverse architectural heritage of the area

To that end, the following design guidelines are to be used for Final Plan Approval for DASZ 28/11

1) That the design shall be consistent with all policies in the Osborne Village Neighbourhood Plan

Setbacks
Block 1
2) That the significant portion (± 50%) of the 4th floor of Block 1[1] shall be setback a minimum of 10 feet

3) That a significant portion (± 50%) of the 5th floor of Block 1 shall be setback a minimum of 20 feet

4) That the first three floors on the east side of Block 1 shall be setback at least 8 feet and the fourth and fifth floors on the east side of Block 1 shall be setback at least 16 feet

Block 2
5) That the first three floors of the northeast side of Block 2 shall be setback at least 7 feet and the fourth and fifth floors shall be setback at least 16 feet
6) That the 2nd-5th floors on the east side of Block 2 shall be setback at least 20 feet

7) That the 2-3 floors of the south side of Block 2 shall be setback at least 8 feet and the fourth and fifth floors shall be setback at least 16 feet

8) That the front yard setback of Block 2 shall be at least 12 feet and that significant portions (± 50%) of the fifth floor of Block 2 facing Bole Street shall be setback at least 20 feet

Entrances
9) That Block 1 of the development shall include townhouses at ground level with separate entrances

[1] For purposes on the design guidelines, the building shall be referred to as Block 1 (northernmost portion of the building) and Block 2 (southernmost portion of the building)