**Agenda – Council – July 18, 2012**

**Report – Executive Policy Committee – July 11, 2012**

**Item No. 10 Rezoning – 15 Arden Avenue**
**(St. Vital Ward)**
**File DAZ 222/2010**

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On July 11, 2012, the Executive Policy Committee concurred in the recommendation of the Riel Community Committee and submits the following to Council:

1. That the Winnipeg Zoning By-law No. 200/2006 be amended by rezoning the subject land as shown on Schedule "A" for File DAZ 222/2010 dated June 25, 2012 to an "RMF-L" Residential Multi-Family District, subject to the following:

    A. That the applicant enter into a Zoning Agreement with the City pursuant to Section 240 (1) of The City of Winnipeg Charter to include the following conditions:

        i. That, excluding projections permitted under the Zoning By-Law, the maximum height of any building shall be no greater than ninety (90) feet;

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

2. That a ten percent (10%) dedication be made by a payment of a sum of money to the City in lieu of the requirement for land dedication based on the increase in market value of the land.

**Report – Executive Policy Committee – July 11, 2012**

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.

**Report – Executive Policy Committee – July 11, 2012**

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On July 11, 2012, the Executive Policy Committee concurred in the recommendation of the Riel Community Committee and submitted the matter to Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On July 9, 2012, the Riel 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 – 15 Arden Avenue**
**File DAZ 222/2010**

**For submission to:** **Executive Policy Committee**

**Prepared by:** **Marc Pittet, Senior Committee Clerk**
**Riel Community Committee**

**Report date:** **July 10, 2012**

COMMUNITY COMMITTEE RECOMMENDATION:

On July9, 2012, the Riel Community Committee concurred in the recommendation of the Winnipeg Public Service and, via the Priority Rezoning Process, recommends to the Executive Policy Committee:

1. That the Winnipeg Zoning By-law No. 200/2006 be amended by rezoning the subject land as shown on Schedule "A" for File DAZ 222/2010 dated June 25, 2012 to an "RMF-L" Residential Multi-Family District, subject to the following:

    A. That the applicant enter into a Zoning Agreement with the City pursuant to Section 240 (1) of The City of Winnipeg Charter to include the following condition(s):

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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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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 Riel Community Committee provided the following supporting reason for its recommendation:

1. The Riel Community Committee agreed with the administrative comments contained in the report of the Planning and Land Use Division dated June 25, 2012.

## PUBLIC HEARING SUMMARY

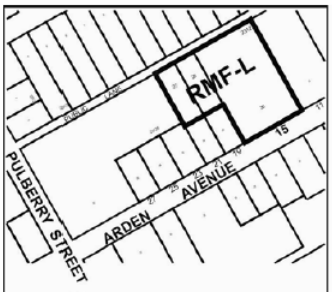
File: DAZ 222/2010

Before: Riel Community Committee
Councillor Swandel, Chairperson
Councillor Mayes
Councillor Vandal

Public Hearing: July 9, 2012
Council Chamber
Council Building, 510 Main Street

Applicant: 15 Arden Avenue Inc. (Kiel Wilson)

Subject:




RIEL
COMMUNITY

**APPLICANT:** KIEL WILSON
**FILE:** DAZ 222/10
**PROPOSAL:** To rezone 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 maintenance of an existing family dwelling (107 units). **For information, phone Mr. R. Kostiuk, Planner, at 986-7367.**
**DEMANDEUR** : KIEL WILSON
**N° DE RÉFÉRENCE** : DAZ 222/10
**PROJET :** Modifier le zonage du bien-fonds indiqué ci-dessus en le faisant passer de la catégorie RMF-M (SECTEUR D'HABITATIONS MULTIFAMILIALES MOYENNES) à la catégorie RMF-L (SECTEUR DE GRANDES HABITATIONS MULTIFAMILIALES) afin de faciliter l'aménagement d'une habitation multifamiliale (107 unités). **Pour plus de renseignements, veuillez communiquer avec M. R. Kostiuk, urbaniste, au 986-7367.**

Premises Affected: 15 Arden Avenue

Exhibits Filed:

1. Application dated May 9, 2012
2. Notification of Public Hearing dated May 23, 2012
3. Manitoba Status of Title 2447953/1
4. Air Photo
5. Plans (5 pages)
6. Report from the Planning and Land Use Division dated June 25, 2012
7. Inspection Report

REPRESENTATIONS:

In Support:

John Sirilias
Kiel Wilson

In Opposition

Nil

For the City:

Mr. K. Raban, Land Development Administrator, Planning, Property and Development Department
Mr. R. Kostiuk, Planner, Planning, Property and Development Department

Exhibit "6" referred to in File DAZ 222/2010

# ADMINISTRATIVE REPORT

**Title:** DAZ 222/2010 – 15 Arden Avenue Public Hearing

**Issue:** An application for consideration at the Public Hearing for a rezoning from RMF-M to RMF-L.

**Critical Path:** Riel 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 Winnipeg Zoning By-law No. 200/2006 be amended by rezoning the subject land as shown on Schedule "A" for File DAZ 222/2010 dated June 25, 2012 to an "RMF-L" Residential Multi-Family District, subject to the following:

    A. That the applicant enter into a Zoning Agreement with the City pursuant to Section 240 (1) of The City of Winnipeg Charter to include the following condition(s):

        i) That, excluding projections permitted under the Zoning By-Law, the maximum height of any building shall be no greater than ninety (90) feet;

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

2. That a ten percent (10%) dedication be made by a payment of a sum of money to the City in lieu of the requirement for land dedication based on the increase in market value of the land.

3. That in the event the application is not proceeded with expeditiously and the by-law is not enacted within twenty-four (24) months after adoption of the report by Council, the matter

shall be deemed to be concluded and shall not be proceeded with unless an extension of time is applied for prior to the expiry of this twenty-four (24) month period and the extension is subsequently approved by Council.

4. That the 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 applicant is proposing to rezone the site from "RMF-M" Residential Multi-Family Medium to "RMF-L" Residential Multi-Family Large in order to bring the existing 9 storey, 107 unit apartment building into conformance with the Zoning By-law.
- Rezoning applications require a Public Hearing as per the *Development Procedures By-law* and *The City of Winnipeg Charter.*
- 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 Urban Planning Division are concurred in, the land will be rezoned from RMF-M to RMF-L.

## HISTORY

- N/A

## CONSULTATION

- In preparing this report there was consultation with: N/A

## SUBMITTED BY

| | |
|---|---|
| Department | Planning, Property and Development |
| Division | Urban Planning |
| Prepared by: | Robert Kostiuk, MCIP |
| Date: | June 25, 2012 |
| File No. | DAZ 222/2010 |

**List of Schedules and Attachments**

1. Appendix A – Planning Discussion
2. Schedule “A” for File No. DAZ 222/2010

**APPENDIX 'A'**

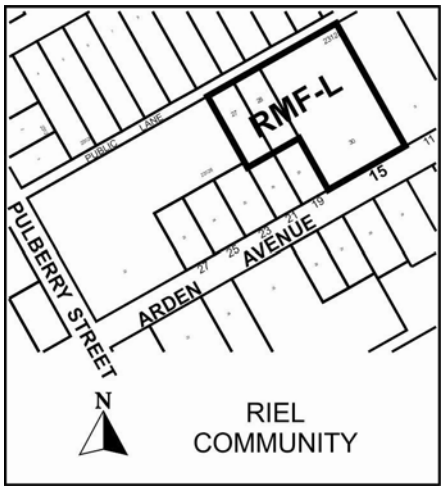
**DATE:** June 25, 2012

**FILE:** DAZ 222/2010
**RELATED FILES:** n/a

**COMMUNITY:** Riel
**NEIGHBOURHOOD #:** 5.521

**SUBJECT:** To rezone the subject land from "RMF-M" Residential Multi-Family Medium "RMF-L" Residential Multi-Family Large.

**LOCATION:** 15 Arden Avenue
**LEGAL DESCRIPTION:** Lots 27, 28 & 30 PLAN 23128




**APPLICANT:** 15 Arden Avenue Inc. (Kiel Wilson),
Suite 15-1000 Yonge Street,
Toronto ON M4W 2K2

**OWNER:** 15 Arden Avenue Inc. (Kiel Wilson),
Suite 15-1000 Yonge Street,
Toronto ON M4W 2K2

**RECOMMENDATION:** Approval with conditions

**REPORT SUMMARY**

- The applicant is proposing to rezone the site from "RMF-M" Residential Multi-Family Medium to "RMF-L" Residential Multi-Family Large in order to bring the existing 9 storey, 107 unit apartment building into conformance with the Zoning By-law.
- The Urban Planning Division recommends supporting this application.

**SITE DESCRIPTION**

- The subject property is located on the north side of Arden Avenue, in between Pulberry Street and St. Mary's Road in the Pulberry neighbourhood of the St. Vital Ward.
- The site contains a 9 storey, 107 unit apartment building with a surface parking lot.
- The site is comprised of 3 lots (Lots 27, 28 & 30 of Plan 23128), which combined make the site **49,445 square feet in area**.
- The property is located within the Areas of Stability – Recent Communities policy area under the Complete Communities Direction Strategy and is zoned "RMF-M" Residential Multi-Family Medium.




**Figure 1: Aerial photograph showing approximate area of subject property and surrounding area (2009)**

**SURROUNDING LAND USES & ZONING (See Figure 2)**

**North:** Detached single-family homes zoned R1-M.

**South:** Detached single-family homes zoned RMF-M.

**East:** A seven storey apartment building zoned RMF-M.

**West:** Detached single-family homes zoned RMF-M and a nine storey apartment block zoned RMF-L.

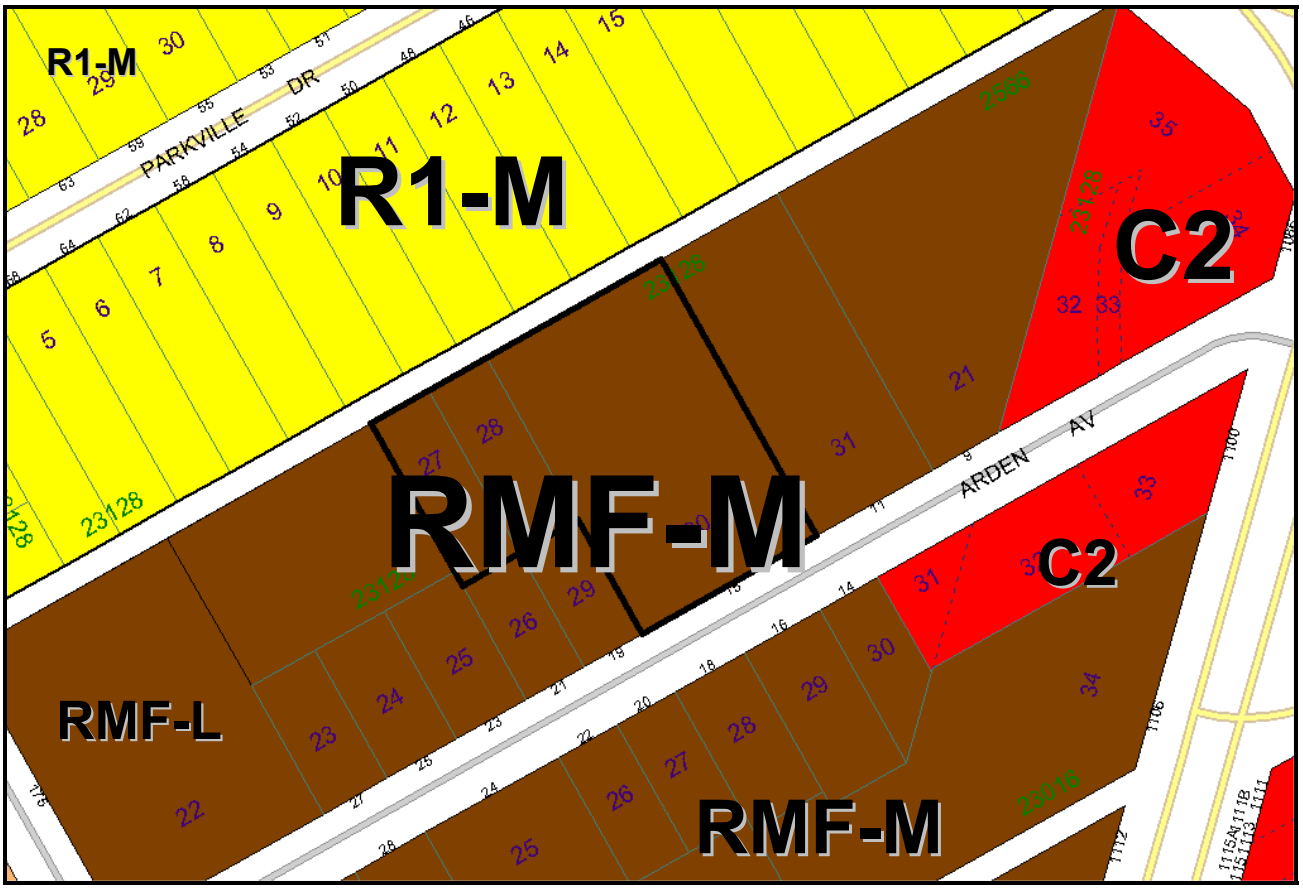



**Figure 2: Zoning of the site and surrounding area.**

## DESCRIPTION OF THE PROPOSED DEVELOPMENT

- The applicant is proposing to rezone the site from "RMF-M" Residential Multi-Family Medium to "RMF-L" Residential Multi-Family Large in order to bring the existing 9 storey, 107 unit apartment building into conformance with the Zoning By-law.
- The building on the site is a legally-existing non-conforming building. Although the building was legally constructed, it does not conform to today's Zoning By-law. Specifically, the building is 88.8 feet tall and contains 107 dwelling units. The building can only be a maximum of 60 feet tall and contain no more than 61 units under the current standards of the RMF-M zone.
- Prior to 2009 the building on the site had a total of 102 units. In 2009, 5 residential units were added to the main floor without a building permit. The addition of these units resulted in an increase to the non-conformity of the building and therefore requires a rezoning of the site RMF-L.
- Occupancy permits have not been issued by the City of Winnipeg for the 5 additional dwelling units. The applicant is now proposing to rezone the land as required in order to legally establish the units and ultimately the building.

**ANALYSIS AND ISSUES**

COMPLETE COMMUNITIES DIRECTION STRATEGY

- Under the *Complete Communities Direction Strategy* the proposed development is within the Areas of Stability – Recent Communities policy area. With regard to this proposal, the key policies guiding development within Areas of Stability include:
    - Support low to moderate change in low-density neighbourhoods through development and redevelopment that is complimentary to the existing scale, character and built form.
    - Promote the form of buildings and spaces that are sensitive to the community context and address the transition between new and existing developments.
    - In order to meet the full life-cycle of housing needs within the community, promote a mix of housing type and tenure, such as duplexes, low rise apartments, secondary suites, semi-detached homes, townhouses.

ZONING

*"RMF-L" Residential Multi-Family Large*

- The RMF-L zone is intended to accommodate the development of multi-family units in neighbourhoods with medium to high residential densities. The dimensional standards for multi-family structures in the RMF-L zone are: a minimum front yard of 25 feet; a minimum rear yard of 25 feet; a minimum side yard of 8 feet (where the building is more than one storey in height the required interior side yard increases by 2 feet for each storey above the ground floor to a maximum of 20 feet) and, a maximum building height of 150 feet. The minimum lot area is 20,000 square feet and the minimum lot area per dwelling unit is 400 square feet.

LAND USE BY-LAW

*Rezoning*

- The existing building does not conform to the RMF-M zoning regulations. The applicant is proposing to rezone the land from RMF-M to RMF-L to enable the 9 storey, 107 unit building to legally conform to the By-law and to allow for Occupancy Permits to be issued for the 5 additional dwelling units constructed within the building in 2009.

COMPATIBILITY WITH THE SURROUNDING NEIGHBOURHOOD

- The subject building has existed within the neighbourhood for a number of years.
- Although 5 additional units were added to the building, the existing form of the building remained unchanged as the units were added to the main floor.
- It should be noted that although the applicant is not proposing further changes to the building at this time, rezoning the land to RMF-L would result in the potential for a total of 123 units to be constructed on the site and would allow the maximum height of the building to be 150 feet tall. Currently, the existing building is approximately 90 feet tall excluding permitted projections, such as the elevator penthouse.

RECOMMENDED ZONING AGREEMENT

- Although no additional construction on the site has been proposed at this time, the Urban Planning Division recommends that a zoning agreement be included as a condition of approval for the rezoning.
- The recommended zoning agreement restricts the height of the building to its current height of 9 stories (90 feet – excluding permitted projections) and adds the requirement of plan approval from the Director of Planning, Property and Development and Riel Community Committee prior to the issuance of a development permit.
- The subject site is not located along a Mixed-Use Corridor nor within a Mixed-Use Centre, where higher intensity development is encourage. As such, the purpose of including these restrictions is to help ensure that the form of future development on the site does not impact the neighbouring properties.
- It should be noted that the Division is not recommending that the number of dwelling units be restricted on the site. With the rezoning to RMF-L, the applicant could add an additional 16 dwelling units. The Division does not believe that an additional 16 units would have a major impact on the site. The Division is concerned about the form of future development, which can be reviewed in conjunction with the recommended plan approval clause.

LAND DEDICATION

- When a developer rezones and/or subdivides a parcel of land, they are required to put in an application with the City of Winnipeg.
- As a condition of rezoning or subdivision, a developer is required to contribute a portion of the land to be developed to the City for parks purposes.
- The amount of land is not less than 10%.
- The developer is to provide land or 'cash in lieu' as determined by the Planning, Property and Development Department.
- The City is requesting cash in lieu for this application.

**RECOMMENDATION**

The Urban Planning Division recommends **approval** for the following reasons:

- The applicant is not proposing major changes to the building/site.
- The rezoning to RMF-L more adequately reflects what is built on the site.
- The proposed restrictions in the zoning agreement allow for the review of plans prior to future development to help ensure that future construction on the site (if any) does not impact the surrounding area.

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

Report Prepared By: Robert Kostiuk, MCIP
PPD File # DAZ 222/2010

**Schedule "A" for File No. DAZ 222/2010, Riel Community Committee, dated June 25, 2012**

By-Law No. _____

File No. **DAZ 222/10**

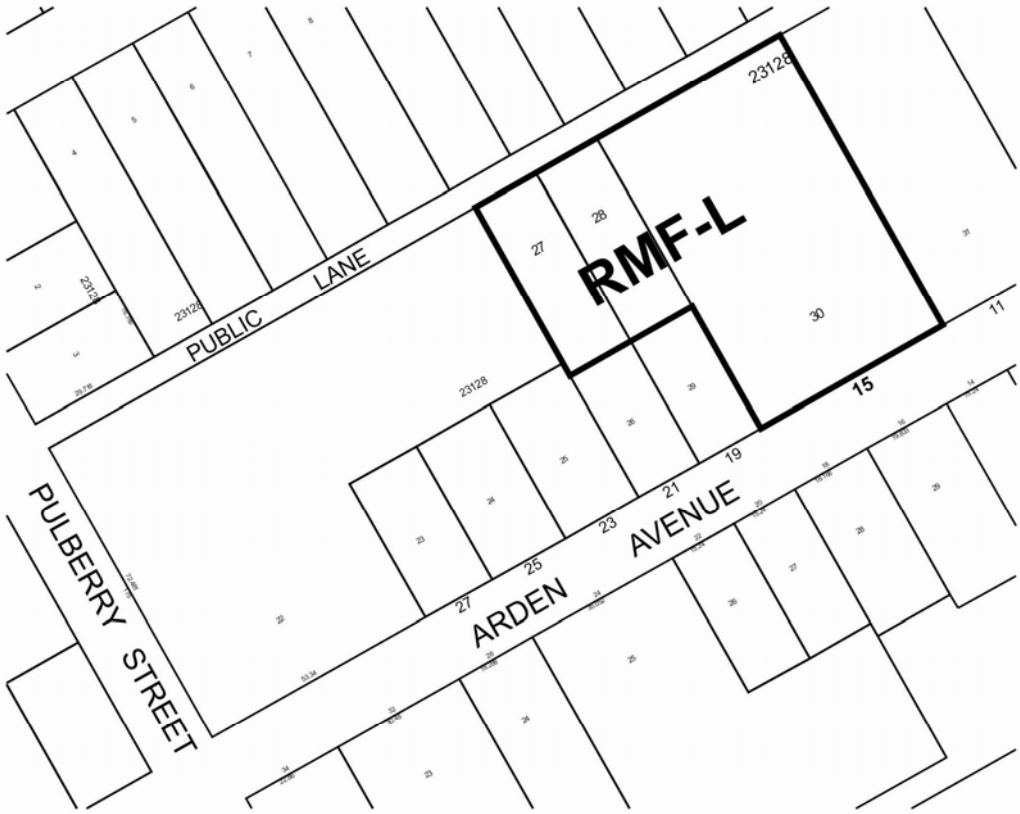
Atlas Sheet No.

N

**AG26**
**RIEL**
**COMMUNITY**

Explanation

A proposed zoning change to By-law No. 200/2006 by rezoning the land located at 15 Arden Avenue from an "RMF-M" RESIDENTIAL MULTI-FAMILY (Medium) DISTRICT to an "RMF-L" RESIDENTIAL MULTI-FAMILY (Large) DISTRICT to allow for the maintenance of an existing family dwelling (107 units) as shown outlined below.




THIRD READING : _____ EFFECTIVE DATE : _____

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No. _____