Agenda - Council – February 27, 2013

Report - Executive Policy Committee – February 22, 2013

Item No. 2 Rezoning – 956 Notre Dame Avenue
(Daniel McIntyre Ward)
File DAZ 240/2012 [c/r DAV 176016/2012D]

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On February 22, 2013, the Executive Policy Committee concurred in the recommendation of the City Centre 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 240/2012 dated January 29, 2013 to a "RMF-L" Residential Multi-Family District, subject to the following:

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

        i. That the building height shall be limited to 60 feet.

        ii. That for the development of any new building or structure, plans shall be submitted showing the location and design of proposed buildings, the location and design of accessory parking areas, garbage enclosures, fencing and landscaping to the City Centre Community Committee and the Director of Planning, Property and Development for plan approval prior to the issuance of any building or development permit, and thereafter to be maintained to the satisfaction of the Director of Planning, Property and Development.

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 Service and City Solicitor be requested to prepare the necessary rezoning by-law and forward the same to Council for all three (3) readings.

Report - Executive Policy Committee – February 22, 2013

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 Service 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 – February 22, 2013

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On February 22, 2013, the Executive Policy Committee concurred in the recommendation of the City Centre Community Committee and submitted the matter to Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On February 5, 2013, 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 – 956 Notre Dame Avenue**
File DAZ 240/2012

For submission to: **Executive Policy Committee**

Prepared by: **Andrew Poitras, Senior Committee Clerk**
City Centre Community Committee

Report date: **February 6, 2013**

COMMUNITY COMMITTEE RECOMMENDATION:

On February 5, 2013, 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 "A" for File DAZ 240/2012 dated January 29, 2013 to a "RMF-L" Residential Multi-Family District, subject to the following:

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

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4. That the Director of Legal Service 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 Service 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 development will be an enhancement to the area.

2. It will be useful to have density at this location.

PUBLIC HEARING SUMMARY

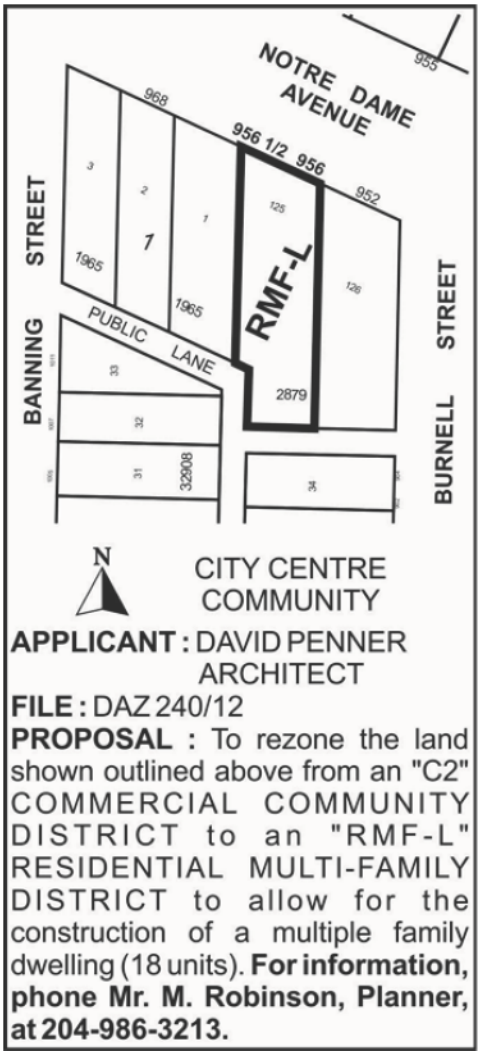
File: DAZ 240/2012

Before: City Centre Community Committee
Councillor Orlikow, Chairperson
Councillor Gerbasi
Councillor Smith

Public Hearing: February 5, 2013
West Committee Room
Council Building, 510 Main Street

Applicant: David Penner Architect

Subject:



Premises Affected: 956 Notre Dame Avenue

Exhibits Filed:

1. Application dated November 20, 2012
2. Notification of Public Hearing dated December 17, 2012
3. Manitoba Status of Title 2565848/1
4. Letter of authorization dated November 7, 2012 from Tali Zhiubritskaya, 545791 BC Ltd. to David Penner Architect
5. Surveyor's Building Location Certificate and sketch dated September 1, 1970
6. Plans (1 pages)
7. Audio Recording of representations of public hearing held on January 8, 2013Report from the Planning and Land Use Division dated January 29, 2013
8. Inspection Report
9. Audio Recording of representations of public hearing held on February 5, 2013

REPRESENTATIONS:

In Support:

Bruce and Betty Campbell
David Penner
Tali Zhiubritskaya

In Opposition:

Nil

For Information:

Rev. Rudy Fidel

For the City:

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

Exhibit "7" referred to in File DAZ 240/2012

ADMINISTRATIVE REPORT

Title: DAZ 240/2012 – 956 Notre Dame Avenue

Issue: For consideration at the public hearing for a Rezoning for DAZ 240/2012 – 956 Notre Dame Avenue

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. 200/2006 be amended by rezoning the subject land as shown on Schedule "A" for File DAZ 240/2012 dated January 29, 2013 to a "RMF-L" Residential Multi-Family District, subject to the following:

    a. That the applicant enter into a Zoning Agreement with the City of Winnipeg pursuant to Subsection 240(1) of The City of Winnipeg Charter to provide for the following:

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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.

3. That in the event the application is not proceeded with expeditiously and the by-law is not enacted within twenty-four (24) months after adoption of the report by Council, the matter shall be deemed to be concluded and shall not be proceeded with unless an extension of time is applied for prior to the expiry of this twenty-four (24) month period and the extension is subsequently approved by Council.

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

CONSULTATION

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

SUBMITTED BY

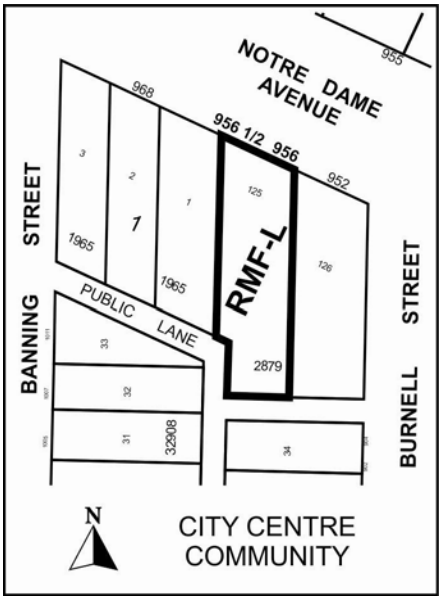
Department	Planning, Property and Development
Division	Planning and Land Use
Prepared by	Michael Robinson, AICP, MCIP
Date:	January 29, 2013
File No.	DAZ 240/2012

APPENDIX 'A'

DATE: January 29, 2013
FILE: DAZ 240/2012
RELATED FILES: DAV 12-176016/D
COMMUNITY: City Centre Community
NEIGHBOURHOOD #: 1.108

SUBJECT: To rezone the subject land from a "C2" Commercial District to an "RMF-L" Residential Multi-Family District

LOCATION: 956 Notre Dame Avenue
LEGAL DESCRIPTION: Lot 125 Plan 2879 64 St. James



APPLICANT: David Penner (David Penner Architects)

OWNER: 545791 BC Limited

RECOMMENDATION: Approval

SITE DESCRIPTION

The subject property, which is currently zoned "C2" Commercial District, is located on the south side of Notre Dame Avenue, between Banning and Burnell Streets, in the Daniel McIntyre neighbourhood of the Daniel McIntyre ward.

North: Commercial uses zoned "C2" Commercial District
South: Residences zoned "R2" Residential Two-Family District
East: Multi-family building zoned "C2" Commercial District
West: Church zoned "C2" Commercial District

DESCRIPTION OF THE PROPOSED DEVELOPMENT
The applicant seeks approved to rezone the subject property in order to construct an 18 unit multiple-family residential building on the subject property. Units are approximately 440 sf in area, all of which have mezzanines. The structure is 3 storeys tall and will include an elevator, exterior common corridors, and strorage modules. The site will be landscaped and will include parking for 5 vehicles and space for refuse containers.

The property is currently developed with an old commercial building in front and a residence in the back. These structures will be demolished.

Reason for application
The proposed density exceeds the allowable density in the "C2" Commercial District. Consequently, a rezoning to "RMF-L" Residential Multiple-Family, which allows for a higher density, is required.

ANALYSIS AND ISSUES
A. Policies
OurWinnipeg and Complete Communities Direction Strategy
Community Mixed Use Corridor
The subject property is situated within a community mixed use corridor. Community Mixed Use Corridors are city routes which connect neighbourhoods, are well served by public transit, and accommodate a mix of uses, functioning as vibrant urban places for Winnipeggers to live, work and play.

Complete Communities Direction Strategy says the following about community mixed use corridors:

Community Mixed Use Corridors provide the opportunity to complete communities; areas of mixed use will largely be concentrated here. In order to accommodate the city's anticipated increases in residential, commercial and employment densities, Community Mixed Use Corridors will experience a fairly significant amount of change: existing corridors will be enhanced and new corridors will be built in New Communities as community hubs.

It should also be noted that there is a demonstrated need for a mix of residential housing types in the City and a growing recognition that infill lands, with existing services in place, are the best place to accommodate it.

To that point, the Conference Board of Canada has projected a substantial shift in the share of new units, away from single-family, and towards apartment/condo multiple-family units, over the next 20+ years. As per the Conference Board forecast from 2009 to 2031

- Single-family is projected to decrease from a 71% share to a 35% share of housing starts
- Multiple-family is projected to rise from a 29% share to a 65% share of housing starts.

The proposed development helps to meet this growing trend in the City.

B. Public Consultation
The applicant held two open houses for their proposed development. The first took place in September 2011 and the second took place in November 2012. Both were held at the Katherine Friesen Centre at 940 Notre Dame Avenue.

Approximately 20 people attended the first meeting and 9 people attended the second meeting.

C. *Density*
The proposed density is double the density that is permitted under the existing "C2" Commercial District (18 units vs. 9 units). With that said, the Complete Communities Direction Strategy encourages increased densities within mixed use corridors, such as Notre Dame Avenue.

D. Summary
The proposed development will provide much needed infill housing in a neighbourhood that is walkable, has frequent transit service, and a range of services and amenities close by. It makes use of an underdeveloped parcel of land and fits the scale that is permitted along mixed use corridors.

It is recommended that the rezoning be approved.

E. Conditions
The Winnipeg Public Service is recommending conditions in a Zoning Agreement

1) It is recommended that the height be limited to 60 feet, which is the maximum height permitted for residential buildings in the "C2" Commercial District.
2) That final plan approval by the Director of Planning, Property and Development and City Centre Community Committee be required prior to the issuance of any development permits

RECOMMENDATIONS
The Planning and Land Use Division recommends approval for the following reasons:

- The proposed development will provide much needed infill development housing in a neighbourhood that is walkable, has frequent transit service, and a range of services and amenities close by.
- The proposed development fits the scale that is permitted along mixed use corridors
- The proposed density is suitable along mixed use corridors

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

Report Prepared by: Michael Robinson, AICP, MCIP
PPD File # DAZ 240/12

APPENDIX "B"

Schedule "A" for File No. DAZ 240/2012, City Centre Community Committee, dated January 29, 2013

By-Law No. _____

File No. **DAZ 240/12**

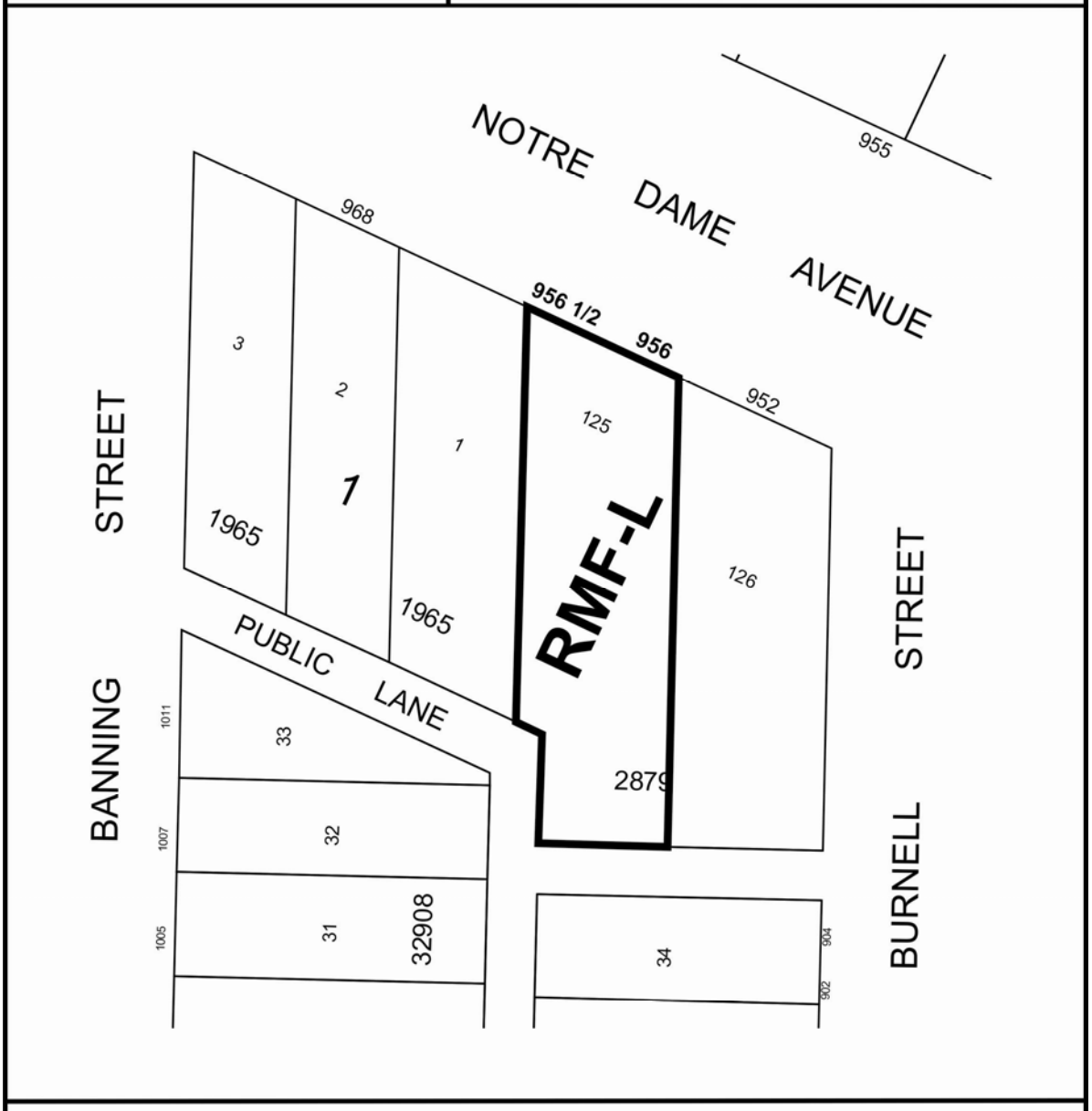
Atlas Sheet No.

N

Y22
CITY CENTRE
COMMUNITY

Explanation

A proposed zoning change to By-law No. 200/2006 by rezoning the land located at 956 Notre Dame Avenue from an "C2" COMMERCIAL COMMUNITY DISTRICT to an "RMF-L" RESIDENTIAL MULTI-FAMILY DISTRICT to allow for the construction of a multiple family dwelling (18 units) as shown outlined below.



THIRD READING : _____ EFFECTIVE DATE : _____

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No. _____

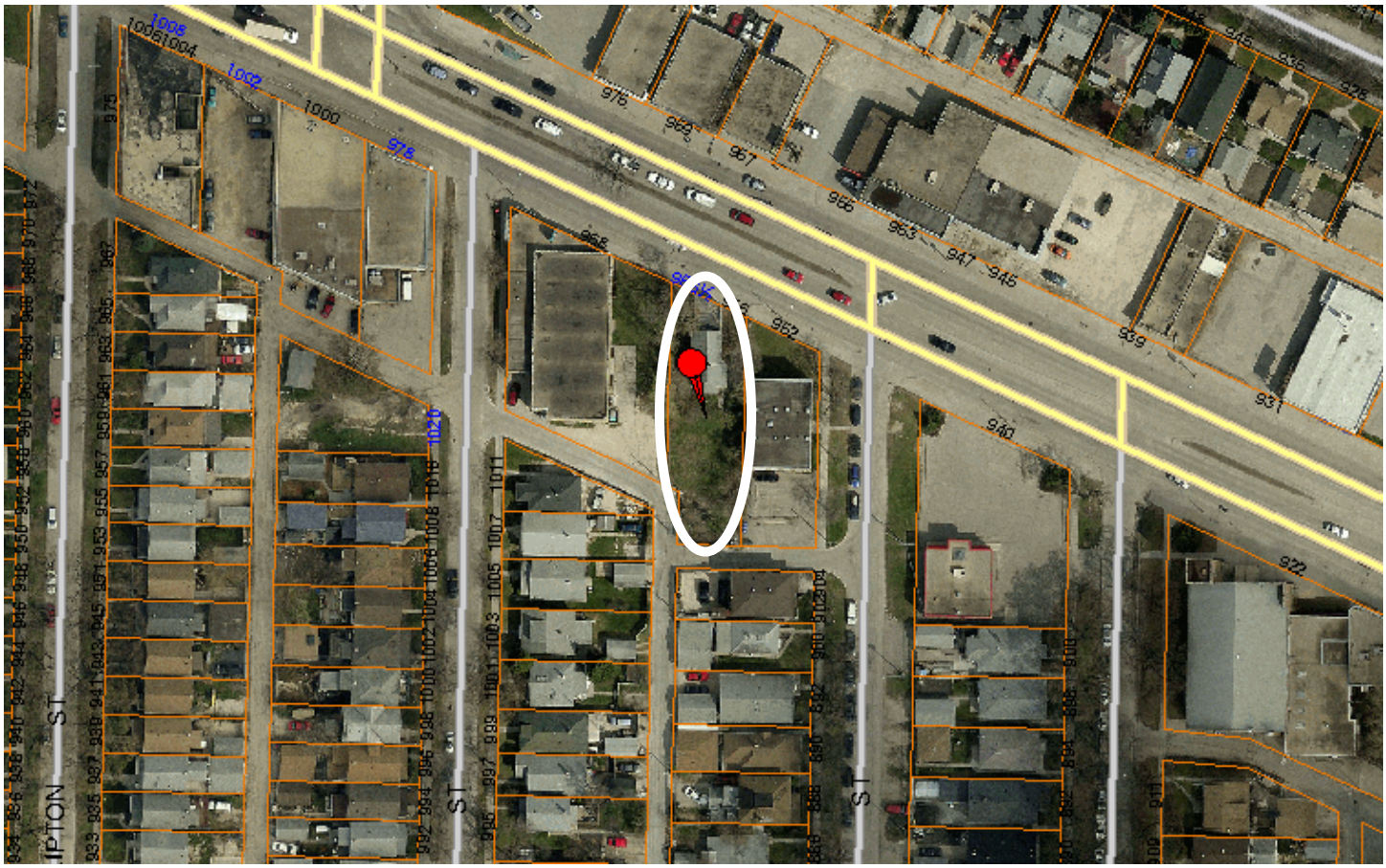


Figure 1: Aerial Photo (Flown in 2012)