Minute No. 165
Report – Standing Policy Committee on Property and Development – January 15, 2013

Item No. 8 Subdivision and Rezoning – 367-373 Stradbrook Avenue (Fort Rouge-East Fort Garry Ward) File DASZ 29/2012 [c/r DAV 168998/2012D]

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 under File DASZ 29/2012 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 29/2012 dated November 21, 2012 with such minor changes as may be required, and registration in the Winnipeg Land Titles Office.

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 23/2012 dated November 20, 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 for the development of any building or structure, plans shall be submitted showing the location and design of proposed buildings, the location and design of accessory parking areas, fencing, and landscaping to the Director of Planning, Property and Development for plan approval prior to the issuance of any building or development permits, 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 36 dwelling units.

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.

Report – Standing Policy Committee on Property and Development – January 15, 2013

COUNCIL DECISION (continued):

4. 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.

5. 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.

6. That the subdivision section of the by-law shall come into force and effect upon registration of the Plan of Subdivision in the Winnipeg Land Titles Office.

7. 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.

8. That the plan of subdivision shall be approved and signed by the Director of Planning, Property and Development within one (1) year from the date the by-law is passed, failing which 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 the one-year period and Council approves the extension.

9. That in the event the necessary City of Winnipeg mylar approval signatures have not been secured within twelve (12) months after adoption of the by-law, 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 twelve (12) month period and the extension is subsequently approved by Council.

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

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.

Report – Standing Policy Committee on Property and Development – January 15, 2013

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 January 23, 2013, the Executive Policy Committee concurred in the recommendation 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 January 15, 2013, 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 December 4, 2012, the City Centre Community Committee concurred in the recommendation of the Winnipeg Public Service with the following amendments:

- That recommendations 2. A., 2. B. and 2. C., be renumbered as 2. A. i., 2. A. ii. And 2. A. iii.

- That a new Recommendation 2. A. be added as follows:

  "2. 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:"

and forwarded to Standing Policy Committee on Property and Development.

RE: **Subdivision and Rezoning – 367-373 Stradbrook Avenue**
File DASZ 29/2012

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

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

Report date: **December 5, 2012**

COMMUNITY COMMITTEE RECOMMENDATION:

On December 4, 2012, the City Centre 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 under File DASZ 29/2012 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 29/2012 dated November 21, 2012 with such minor changes as may be required, and registration in the Winnipeg Land Titles Office.

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 23/2012 dated November 20, 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 for the development of any building or structure, plans shall be submitted showing the location and design of proposed buildings, the location and design of accessory parking areas, fencing, and landscaping to the Director of Planning, Property and Development for plan approval prior to the issuance of any building or development permits, 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 36 dwelling units.

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.

4. 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.

5. 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.

6. That the subdivision section of the by-law shall come into force and effect upon registration of the Plan of Subdivision in the Winnipeg Land Titles Office.

7. 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.

8. That the plan of subdivision shall be approved and signed by the Director of Planning, Property and Development within one (1) year from the date the by-law is passed, failing which 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 the one-year period and Council approves the extension.

9. That in the event the necessary City of Winnipeg mylar approval signatures have not been secured within twelve (12) months after adoption of the by-law, 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 twelve (12) month period and the extension is subsequently approved by Council.

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

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

1. The application is in compliance with the Osborne Neighbourhood Plan.

2. The applicant has conducted adequate consultation with area residents.

3. The development will be transit oriented.

4. The development will provide the area with much need housing.

PUBLIC HEARING SUMMARY

File: DASZ 29/2012

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

Hearing: December 4, 2012
Council Chambers
Council Building, 510 Main Street

Applicant: Mistecture Architecture and Interiors Inc.

Subject:



Premises Affected: 367-373 Stradbrook Avenue

Exhibits Filed:

1. Application dated October 12, 2012
2. Notification of Public Hearing dated October 22, 2012
3. Manitoba Status of Titles 2138215/1, 2138213/1, 2138214/1, 1794359/1, 2622396/1, 2622397/1, 2622399/1, 2622401/1
4. Letter of authorization dated September 27, 2012 from Tim K. Comack, 6543201 Manitoba Ltd. to Mistecture Architecture and Interiors Inc.
5. Surveyor's Building Location Certificate and sketch dated August 29, 2012
6. Copy of Transfer of Land dated September 25, 2012
7. Plans (10 pages)
8. Report from the Planning and Land Use Division dated November 21, 2012
9. Inspection Report
10. Audio Recording of representations

REPRESENTATIONS:

In Support:

Tim Comack
Jonathon Freed
Hijab Mitra
Jeff Rabb

In Opposition:

Nil

For Information:

Debora Haliburton
Trevor O'Toole

For the City:

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

Exhibit "8" referred to in File DASZ 29/2012

ADMINISTRATIVE REPORT

Title: DASZ 29/2012 – 367-373 Stradbrook

Issue: For consideration at the public hearing for a Rezoning and Subdivision for DASZ 29/2012 – 367-373 Stradbrook

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 plan of subdivision proposed under File DASZ 29/2012 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 29/2012 dated November 21, 2012 with such minor changes as may be required, and registration in the Winnipeg Land Titles Office.

2. That The Winnipeg Zoning By-law No. 200/06 be amended by rezoning the subject land as shown on Schedule "A" for File DASZ 23/2012 dated November 20, 2012 to an "RMF-L" Residential Multi-Family District, subject to the following conditions:

    A. That for the development of any building or structure, plans shall be submitted showing the location and design of proposed buildings, the location and design of accessory parking areas, fencing, and landscaping to the Director of Planning, Property and Development for plan approval prior to the issuance of any building or development permits, and thereafter all to be constructed and maintained to the satisfaction of the Director of Planning, Property and Development.

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

    C. That the density be limited to 36 dwelling units

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.

4. 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.

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9. That in the event the necessary City of Winnipeg mylar approval signatures have not been secured within twelve (12) months after adoption of the by-law, 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 twelve (12) month period and the extension is subsequently approved by Council.

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

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.

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, MCIP
Date:	November 21, 2012
File No.	DASZ 29/12

APPENDIX 'A'

DATE: November 21, 2012
FILE: DASZ 29/2012
RELATED FILES: DAV 12-168998/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: 367-373 Stradbrook
LEGAL DESCRIPTION: Lots 19-22 Plan 27446



APPLICANT: Mistecture Architecture and Interiors Inc.

OWNER: 6543201 Manitoba Ltd.

RECOMMENDATION: Approval

SITE DESCRIPTION:
The subject property, which is zoned "RMF-M" Residential Multi-Family District, is located on Stradbrook Avenue, between Scott and Osborne Streets, in the Osborne Village neighbourhood of the Fort Rouge – East Fort Garry ward.

North: Residences zoned "R2" Residential Two-Family District
South: Residences zoned "RMF-M" Residential Multi-Family District
East: Church zoned "C1" Commercial District
West: Residences zoned "RMF-M" Residential Multi-Family District

DESCRIPTION OF THE PROPOSED DEVELOPMENT

The applicant seeks approval to consolidate four contiguous lots, with an approximate total land area of 14, 700 square feet and to rezone the subject lots from "RMF-M" Residential Multi-Family District to "RMF-L" Residential Multi-Family District in order to construct a five storey, 36 unit multiple family building. The applicant is providing 33 parking stalls underneath the building, at grade.

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

A. Policies

i. OurWinnipeg (Complete Communities Direction Strategy)
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 are required to be setback from the street.

In order to meet this requirement, the applicant is setting back large portions of the front of the building on the 3rd, 4th, and 5th levels facing Stradbrook Avenue.

Enclosed parking
All 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 an 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 408 square feet of lot area.
Other adjacent properties which are similar to this density include:

Address	Units	Density
333 Stradbrook	41	418 sq ft per unit
330 Stradbrook	33	445 sq ft per unit
370 Stradbrook	30	436 sq ft per unit
400 Stradbrook	146	151 sq ft per unit
401 Stradbrook	16	459 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 public open houses on Thursday November 8, 2012 and Friday November 9, 2012 at the Mayfair Community Centre. There were 25-30 people in attendance.

Design

The design meets policies of the Osborne Village Neighbourhood Plan in the following ways:

1. The main entrance to the building is located on Stradbrook Avenue and the parking is screened behind the building façade. (See Policies 3.1.1.B.1, 3.1.1.B.3, and 3.1.1.C.1 in Appendix A)

2. The front of the building includes architectural elements to provide visual interest to the pedestrian, such as changes in setback, materials, and colours. (See Policies 3.1.1.C.2)

3. Parking is underneath the building and large portions of the third through fifth stories are setback from Stradbrook Avenue (Policy 4.1.3.C)

4. The proposed setbacks are consistent with other multi-family properties on the street (3.1.1.B.2)

Design Guidelines

As the detailed 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 B, to aid in the plan approval process.

RECOMMENDATIONS

The Urban Planning Division recommends approval for the following reasons:

- 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, MCIP
PPD File # DASZ 23/2012

APPENDIX "A"

Schedule "A" for File No. DASZ 29/2012, City Centre Community Committee, dated November 21, 2012

By-Law No. _____

File No. **DASZ 29/12**

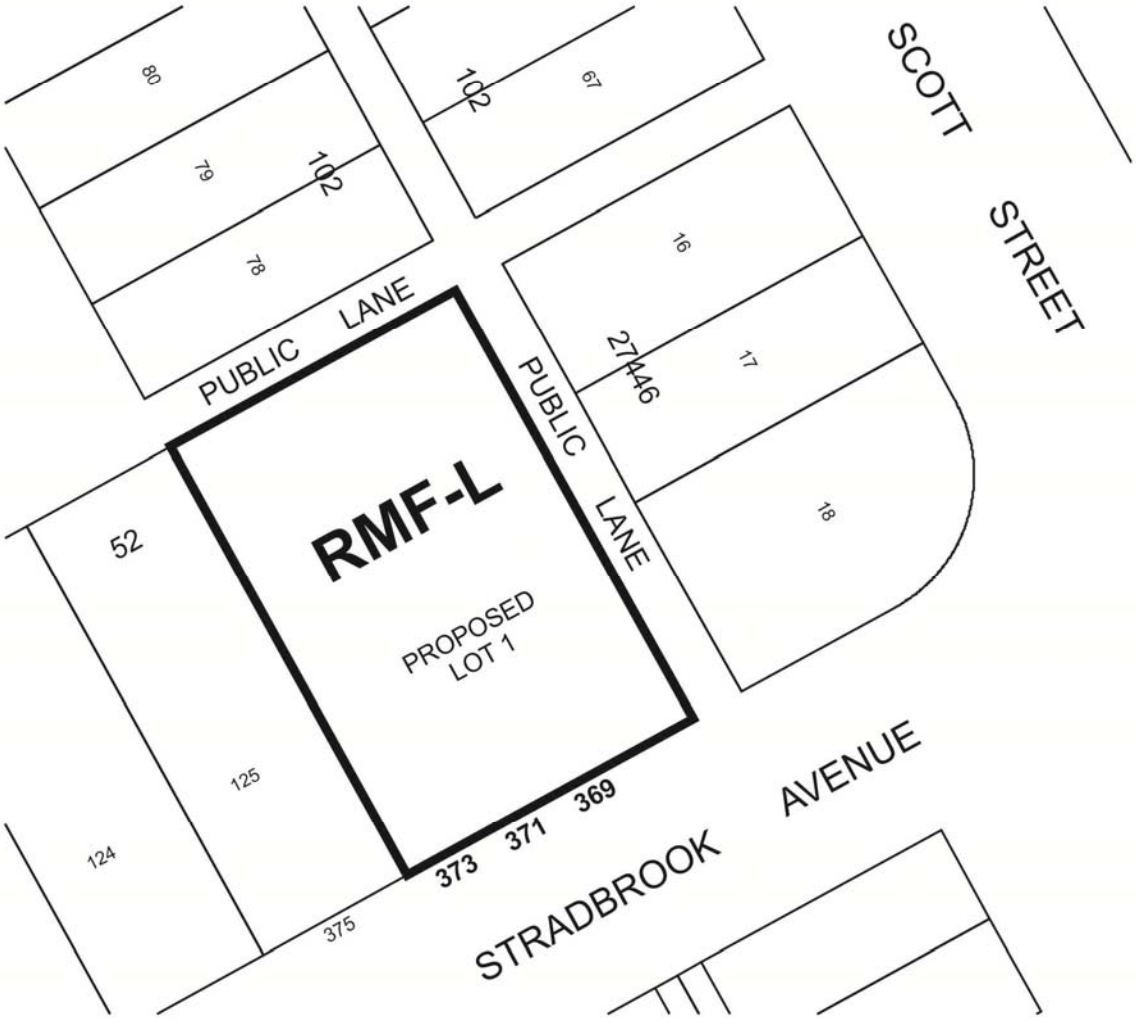
Atlas Sheet No.

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 367-373 Stradbrook Avenue 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 as shown outlined below.



THIRD READING : _____ EFFECTIVE DATE : _____

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No. _____

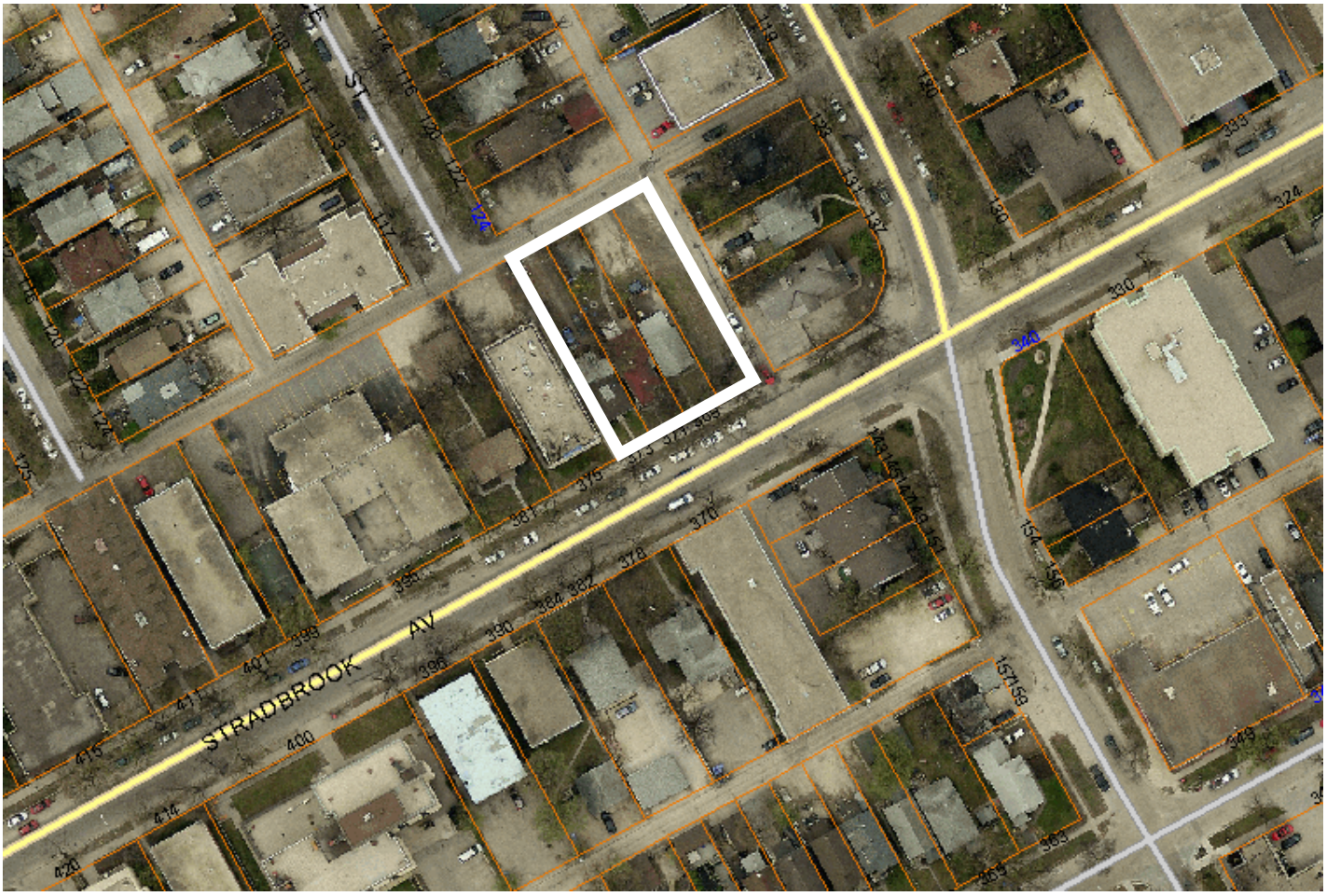


Figure 1: Aerial Photo (Flown in 2012)

Appendix A
Osborne Village Neighbourhood Plan Policies

3.1.1.B.1
Orienting buildings to the street to restore traditional mature neighbourhood character. New buildings are to be oriented to the front and corner side property lines and have a street front orientation

3.1.1.B.2
Respecting the traditional character of the area and surrounding properties in terms of pedestrian orientation, mass and scale of surrounding properties, compatible building materials, orientation of entrances to the street, and incorporation of compatible alignment, setbacks, and height of building(s) along the street

3.1.1.B.3
Providing pedestrian access at street level, and locating parking, loading, and service entrances at the rear of the building

3.1.1.C.1
Ensuring pedestrian access is a predominant feature in site design

3.1.1.C.2
Ensuring building design reinforces activity and vitality at the ground level through use of architectural elements and accommodate features to create interest at street level

4.1.3.C
New development along River and Stradbrook avenues east of Osborne Street may have a maximum of 5 stories, provided structured parking is included and 4th floor and above are setback from public streets

Appendix B
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 final design shall be consistent with all policies in the Osborne Village Neighbourhood Plan
2. The use of significant glazing and active spaces (balconies and terraces) on the front of the building is encouraged, wherever possible
3. The use of high quality, traditional cladding materials on the front façade of the building, such as stone and masonry, for visual interest, and to comply with the intent of the Plan, is encouraged