Minute No. 209
Report – Executive Policy Committee – February 6, 2013

Item No. 2 **Rezoning – 1270 Notre Dame Avenue**
(Daniel McIntyre Ward)
File DAZ 227/2012 [c/r SPA 2/2012, DCU 174651/2012D and DAV 170517/2012D]

COUNCIL DECISION:

Council concurred in the recommendation of the Executive Policy Committee 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 DAZ 227/2012 dated January 7, 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 site development shall occur in substantial conformance with plans submitted and identified as Sheet 1 of 3 of Exhibit 7 for File No. DAZ 227/2012.

        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 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.

        iii. That the height shall be limited to a maximum of 60 feet.

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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COUNCIL DECISION (continued):

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/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/City Solicitor be requested to do all things necessary for implementation in accordance with the terms of The City of Winnipeg Charter.

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DECISION MAKING HISTORY:

Moved by His Worship Mayor Katz,

That the recommendation of the Executive Policy Committee be adopted by consent.

Carried

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On February 6, 2013, the Executive Policy Committee concurred in the recommendation of the Winnipeg Public Service and submitted the matter to Council.

Further on February 6, 2013, the Executive Policy Committee provided the following supporting reason:

1. The Executive Policy Committee agreed with the administrative comments contained in the report of the Planning and Land Use Division dated January 7, 2013.

PUBLIC HEARING SUMMARY

File: DASZ 227/2012

Before: Executive Policy Committee
His Worship Mayor Katz, Chairperson
Deputy Mayor Wyatt
Councillor Mayes
Councillor Pagtakhan

Public Hearing: February 6, 2013
West Committee Room
Council Building, 510 Main Street

Applicant: Wintec Building Services Inc.
(Peter Yuill)

Subject:



Premises Affected: 1270 Notre Dame Avenue

Exhibits Filed:

1. Application dated October 23, 2012
2. Notification of Public Hearing dated December 17, 2012
3. Manitoba Status of Title 2599277/1
4. Letter of authorization dated July 10, 2012 from Clearwater Investments Inc. to Wintec Building Services
5. Surveyor's Building Location Certificate and sketch dated September 4, 1998
6. Aerial Photograph of the subject property
7. Plans (3 pages)
8. Report from the Planning and Land Use Division dated January 7, 2013
9. Inspection Report
10. Audio Recording of representations

REPRESENTATIONS:

In Support:

Michael Romani, Wintec Building Services Inc.

In Opposition

Nil

For Information:

Nil

For the City:

Mr. B. Thorgrimson, Director of Planning, Property and Development
Mr. M. Robinson, Senior Planner, Planning, Property and Development Department
Mr. B. Shenback, Acting Principal Planner, Planning, Property and Development Department

Exhibit "8" referred to in File DAZ 227/2012

ADMINISTRATIVE REPORT

Title: DAZ 227/2012 – 1270 Notre Dame Avenue

Issue: For consideration at the public hearing for a Rezoning for DAZ 227/2012 – 1270 Notre Dame Avenue

Critical Path: 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	B. Thorgrimson	M. Ruta, CFO	D. Joshi COO

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 227/2012 dated January 13, 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 site development shall occur in substantial conformance with plans submitted and attached hereto and identified as Schedule "A" for File No. DAZ 229/2012 dated October 2, 2012.

        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 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.

        iii. That the height shall be limited to a maximum of 60 feet.

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.

FINANCIAL IMPACT STATEMENT

Financial Impact Statement

Date: January 17, 2013

Project Name:

DAZ 227/2012 – 1270 Notre Dame Avenue

COMMENTS:

There are no direct financial implications associated with this report. Prior to release of mylars, the applicant will be required to submitted an amount equivalent to 10% of the increase in the subject property's value, which will be credited to the Cash in Lieu of Land Dedication Reserve Fund. The amount of this payment is not determinable with reasonable certainty at this time.

"Original Signed By"
Mike McGinn, CA
Manager of Finance

CONSULTATION

In preparing this Report there was consultation with:

Winnipeg Fire Paramedic Service

SUBMITTED BY

Department	*Planning, Property and Development*
Division	*Planning and Land Use*
Prepared by	Michael Robinson, AICP, MCIP
Date:	January 7, 2013
File No.	O:\Reports Directive\Planning and Land Use\Urban Planning Reports\2013 Reports\DAZ 227 2012 1270 Notre Dame.DOC

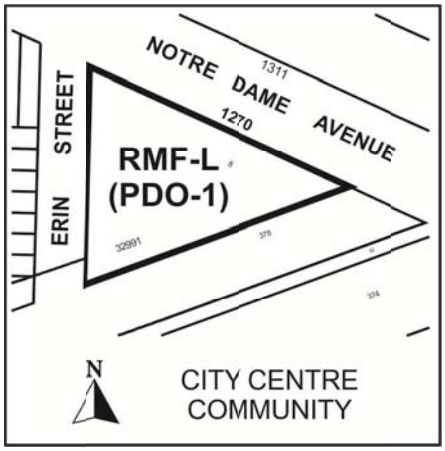
UD2013004

APPENDIX 'A'

DATE: January 7, 2013
FILE: DAZ 227/2012
RELATED FILES: DAV 12-170517/D, DCU 12-174651/D, SPA 2/2012
COMMUNITY: City Centre Community
NEIGHBOURHOOD #: 1.118

SUBJECT: To rezone the subject land from a "M2" Manufacturing District to a "RMF-L" Residential Multi-Family District

LOCATION: 1270 Notre Dame Avenue
LEGAL DESCRIPTION: Sp Lot 8 Plan 32991 WLTO



APPLICANT: Wintec Building Services Inc. (Peter Yuill)

OWNER: Clearwater Investments Inc. (Mike Romani)

RECOMMENDATION: Approval

SITE DESCRIPTION

The subject property, which is zoned "M2" Manufacturing District, is located at the southeast corner of Notre Dame Avenue and Erin Street, in the Sargent Park neighbourhood of the Daniel McIntyre ward.

North: Manufacturing uses zoned "M2" Manufacturing District
South: Railroad tracks, then manufacturing uses zoned "M2" Manufacturing District
East: Railroad tracks, then manufacturing uses zoned "M2" Manufacturing District
West: Restaurant and vacant land zoned "M3" Manufacturing District[1]

[1] Council recently approved a rezoning of this parcel from "M3" to "M1" to allow for a commercial and office development. However, the rezoning has not yet been given third reading.

DESCRIPTION OF THE PROPOSED DEVELOPMENT
The applicant seeks approval to rezone the subject parcel in order to convert the existing 4 storey commercial warehouse building into a 72 unit multiple-family residential development.

Reason for application
Multiple-family residential dwellings are not permitted in the "M2" Manufacturing District

ANALYSIS AND ISSUES
A. Context
The subject property is located on a mixed use corridor (Notre Dame Avenue) and has convenient access to both transit and employment. It is abutted by manufacturing uses and/or manufacturing zoning on the all four sides. However, there are residential uses in close proximity to the northwest and a high school in close proximity to the east.

The City recently gave first and second readings to a rezoning of the adjoining parcel to the west for an office/commercial development. (DASZ 44/2011)

It should also be noted that the Province is converting the former Mr. Christie building to the northeast into the new home of the Rehabilitation Centre for Children and several other services for children and youth. (see map in Appendix A)

These changes in land use in the immediate area indicates that this stretch of Notre Dame Avenue is transitioning from light manufacturing uses to commercial, office and service based uses.

B. Policies
The City of Winnipeg defines complete communities as "places that both offer and support a variety of lifestyle choices, providing opportunities for people of all ages and abilities to live, work, shop, learn and play in close proximity to one another" (City of Winnipeg 2011a, p.04). This is a vision of an inclusive city, which welcomes many different kinds of individuals, families and communities. In its *Complete Communities* plan, the City of Winnipeg says "complete communities should provide a range of housing options to accommodate various incomes, household types, abilities and stages of life" (City of Winnipeg 2011a, p.25).

If the associated Complete Communities Amendment is approved (SPA 2/2012), the subject area will be classified as an Area of Stability. Within Areas of Stability, the plan directs that housing in these areas be maintained and upgraded, and where appropriate, that infill housing be built in order to "enhance housing choice and affordability" (City of Winnipeg 2011a, p.78, 85). To this end, the City of Winnipeg will support the rehabilitation and development of housing in these neighbourhoods, and will maintain and improve neighbourhood infrastructure to complement housing (City of Winnipeg 2011a, p.85).

It should also be noted that the recently completed Daniel McIntyre/St. Matthews Housing Plan indicates that one of the greatest challenges in these neighbourhoods as well as the West End in general is the availability of affordable, high quality housing.

C. Highest and Best Use

As stated in the letter of intent (Appendix A), the existing warehouse building is considered obsolete in its current configuration

a) the rail lines behind the subject property are no longer in use and most commercial tenants prefer one floor / main floor access for shipping and receiving
b) current access points for shipping would interfere with traffic flow as the building is located on a generally triangular lot with Erin Street to the west and Notre Dame Avenue to the north
c) the main floor is several feet above grade and provides an additional barrier to convenient access by the general public

Because of these challenges, the building is 75% vacant at this time. However, the building is well suited for a conversion to multiple-family residential, as it is a solid structure with many windows and adequate space for parking.

D. *Separation from manufacturing uses*
With the recent explosion in St. Boniface, there is heightened concern about the proximity of residential uses to "M3" Manufacturing uses.

With that said, the Fire Department has been circulated on this application and they do not have any objections to the change in land use.

Based upon the existing separation distances and current uses of land, the proposed rezoning should not pose a hazard to people nor will it negatively impact the operation of existing manufacturing uses in the area. (see Appendix C for setbacks from surrounding "M3" zoned properties)

Future manufacturing uses that may locate on nearby "M3" zoned lands would have to meet separation distances required under the building code, based upon occupancy class.

D. Conditions
If the site is redeveloped in the future, it is recommended that the development require plan approval and that the height be limited to 60 feet, which is the typical maximum height allowed for multiple-family development along a "C2" Commercial Corridor.

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

- This stretch of Notre Dame Avenue is transitioning from manufacturing uses to commercial, office and service based uses. Residential development is compatible with this mix of uses.

- Complete Communities identifies the need to enhance housing choice and affordability within Areas of Stability

- The subject building and site are obsolete for current industrial market demands

This Report Submitted by:

Planning, Property and Development Department
Planning and Land Use Division

Report Prepared by: Michael Robinson, AICP, MCIP
PPD File # DAZ 227/12
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APPENDIX "B"
Schedule "A" for File No. DAZ 227/2012, City Centre Community Committee, dated January 7, 2013

By-Law No. _____

File No. **DAZ 227/12**

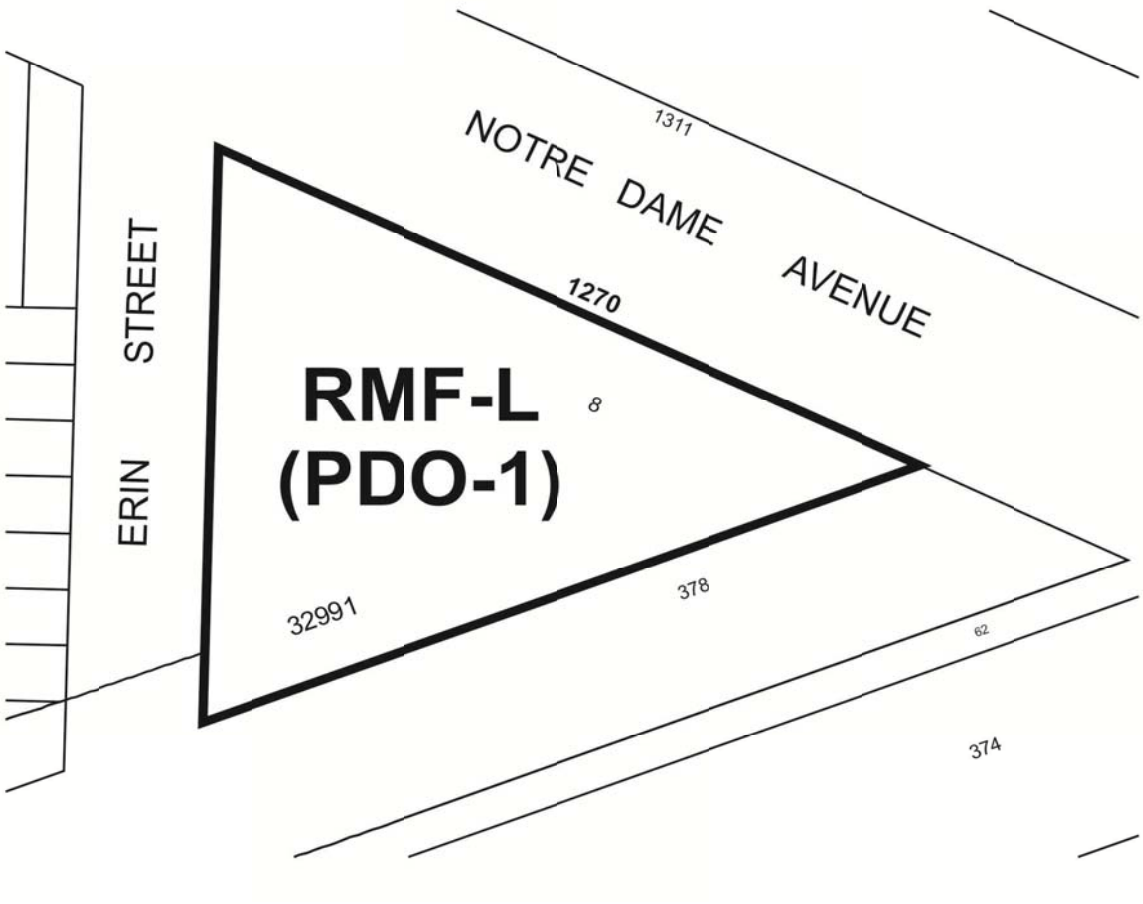
Atlas Sheet No.

N

Y21
CITY CENTRE
COMMUNITY

Explanation

A proposed zoning change to By-law No. 200/2006 by rezoning the land located at 1270 Notre Dame Avenue from an "M2" MANUFACTURING GENERAL DISTRICT to an "RMF-L PDO AIRPORT VICINITY" RESIDENTIAL MULTI-FAMILY DISTRICT to facilitate the conversion of an existing building into a multiple family dwelling use as shown outlined below.



THIRD READING : _____ EFFECTIVE DATE : _____

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No. _____

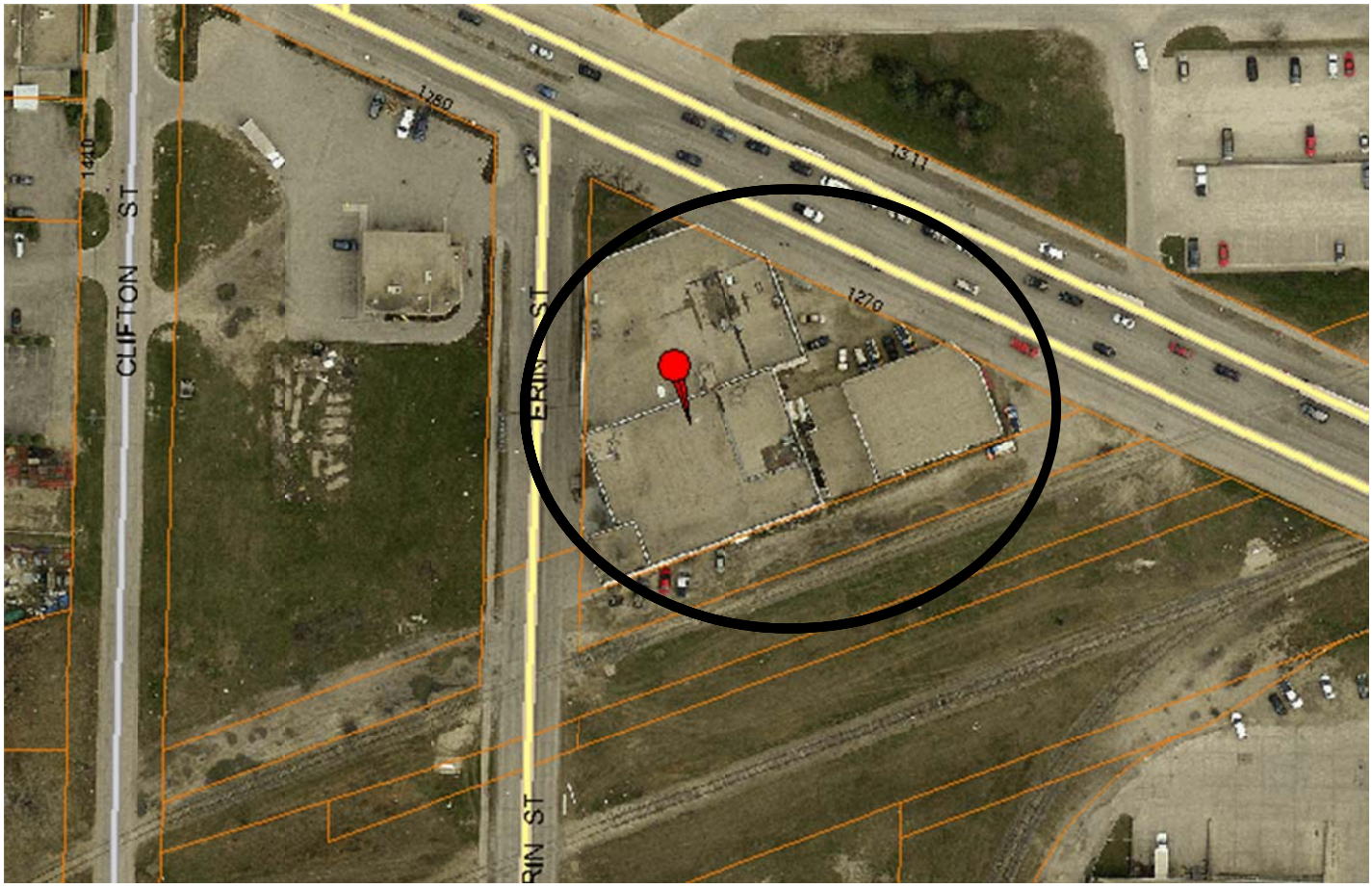


Figure 1: Aerial Photo (Flown in 2012)

Appendix A
Applicant's letter of intent

1270 Notre Dame
Plan Amendment & Rezoning Proposal

DATE: July 10, 2012

SUBJECT: To carry cut a Plan Amendment and Rezoning of the subject property from its current use as a commercial warehouse (M2 – Manufacturing General), for conversion of the existing 4 storey structure to accommodate 72 multi-family residential units.

LOCATION: 1270 Notre Dame

LEGAL DESCRIPTION:

APPLCANT: Wintec Building Services Inc.
56 Myrtle Street
Winnipeg, MB, R3E 2R1

OWNER: Clearwater Investments Inc.
56 Myrtle Street
Winnipeg, MB, R3E 2R1

PROJECT OVERVIEW

1270 Notre Dame is a 4 storey building located at the intersection of Notre Dame and Erin Street. It is currently in use for commercial warehouse and retail. The building is underperforming as it is obsolete for its current intended use, and sits 75% vacant at this time.

The building is best suited for conversion from commercial warehouse to multi-family residential that would make better use of a multi-storey structure with no grade access for retail business, or convenient access for shipping and receiving as a warehouse.

The conversion will include demolition of one derelict outbuilding of approximately 6,000 square feet and the demising of 4 floors of the principal structure to create 18 self-contained rental units per floor. In keeping with the City of Winnipeg's stated vision to promote sustainability and transit oriented development, we propose to add 38 parking stalls as the site borders several major bus routes of high frequency.

The proposed project follows the spirit of many goals set out in the recent OUR WINNIPEG – Report to the Community, and the Complete Communities document. Conversion of this building will bring much needed housing to a century old neighborhood. Many residential rental units have been lost in the Daniel McIntyre ward due to demolition, sale to owner occupiers, and condo conversion. This area has also experienced declines in population due to urban sprawl, and nearby employers, and institutions are impacted by a lack of good quality rental accommodation in the area to service their respective employees. The creation of 72 new units would represent almost 10% of Winnipeg's net gain in rental units as reported by CMHC last year.

The completed project will address needs of nearby employees, professionals, young families, and students. The project is uniquely situated at a confluence of several mixed use areas and affords quick access to downtown, nearby Red River College, the rapidly expanding Health Sciences Centre, Polo Park, and area shopping districts.

To summarize, the primary benefits of the conversion at this site would include:

a) *The site would better complement the surrounding businesses and land uses as a multi-family residential building as opposed to obsolete multi-storey warehouse;*
b) *The building and property would create a buffer between commercial uses to the west and more residential uses to the east;*
c) *Increased density providing more activity in the area, more use of existing transportation, leisure and recreational facilities and additional support to area businesses;*
d) *Increased tax revenue from existing site with little or no increased operating cost to the city or additional infrastructure investment as a result;*
e) *It will counter the effect of urban sprawl and condo conversion by adding quality rental housing where there is the greatest demonstrable need;*
f) *Bring new life to a century old Fur Trading Warehouse.*

BUILDING, HISTORY & SITE

The building at 1270 started life catering to the robust fur business. Original drawings show areas for the processing, stitching, and fabrication of fur garments. Drawings also show a 20,000 square foot "fur vault" housed in the centre of the structure for safe keeping of fur goods, and can still be seen today.

The floor plan is mostly open with few demising walls and shows rich history with roughhewn wood beams, large windows, and wood plank flooring. New plans are such that the character and history of the building and the site will be preserved and enhanced where needed, to buffer neighboring uses, and improve life health and safety of tenants and neighbours alike.

The overall site will remain substantially the same with exception of demolishing the one outbuilding which detracts from the general appeal of the property. Use of trees and other landscaping will be

employed to promote use of transit, buffer parking areas, define points of egress, and provide natural buffers for neighboring land uses.

Boundaries of the Neighbourhood

The subject property is in the Sargent Park neighborhood (1.118) which borders Notre Dame to the north, Portage Avenue to the south, Ingersoll Street to the east and Empress / CP Rail lines to the west.

Existing Zoning & Land Use

Existing zoning is M2 – Manufacturing General. The site is currently occupied by a plumbing company and a food equipment / wholesale liquidator for retail and warehouse purposes.

Overview of Infrastructure Services

Don Lindal, a consulting engineer with Lindal Consulting Ltd., completed an assessment of the subject property to evaluate capacity of existing infrastructure. They determined existing City of Winnipeg land drainage, water mains, and waste water sewers would not be impacted by the proposed development of 72 residential units.

Opportunities & Constraints of the Land

The site is a multi-storey warehouse and commercial space which in this configuration is considered obsolete.

a) The rail lines behind the subject property are no longer in use and most commercial tenants prefer one floor / main floor access for shipping receiving.

b) Current access points for shipping would interfere with traffic flow as the building is located on a generally triangular lot with Erin Street to the West and Notre Dame to the North.

c) The main floor is several feet above grade and provides an additional barrier to convenient access by the general public.

The site is located on the border of what would be considered generally the definition between residential and commercial uses. Tec Voc School is south-east of the site along with several parks, schools and other institutions. With the loss of rental accommodation, and the critical need for more rental units, the configuration of this site would give many opportunities to demonstrate the value of the Our Winnipeg and Complete Communities document and the direction it provides for future planning and development including:

a) Identifies a desire to support quality, in-fill residential development over urban sprawl. Most new rental housing over the last two years has been added outside of core areas moving people away and creating higher demand on overtaxed transportation infrastructure;

b) The redevelopment will promote pedestrian and transit friendly environment by integrating public infrastructure, land uses and built form to encourage higher residential densities and building-type variation. While the single site itself does not meet all of the criteria for transit oriented development alone, the greater neighborhood has a diverse mix of institutional, recreational, employment, retail, and residential uses. The location of the site makes use of several major bus routes for quick access to downtown, area employers such as HSC, and shopping and amenities nearby. People are located closer to where they can walk or ride to everything they need; and

c) The project demonstrates how intensification can occur at centres and along corridors; and

d) Focuses housing growth to areas that have municipal service capacity to support intensification, in addition to commercial and recreational amenities; and

e) Supports complete communities by ensuring diverse and high quality housing stock; and

f) Supports a mix of commercial services and employment uses that serve the local community; and

g) Builds upon the local heritage of a mature neighbourhood, including the sustainable reuse of existing building stock and other historic elements; and

h) This is a perfect demonstration project that can test the addition of limited residential to existing Employment Areas; and lastly

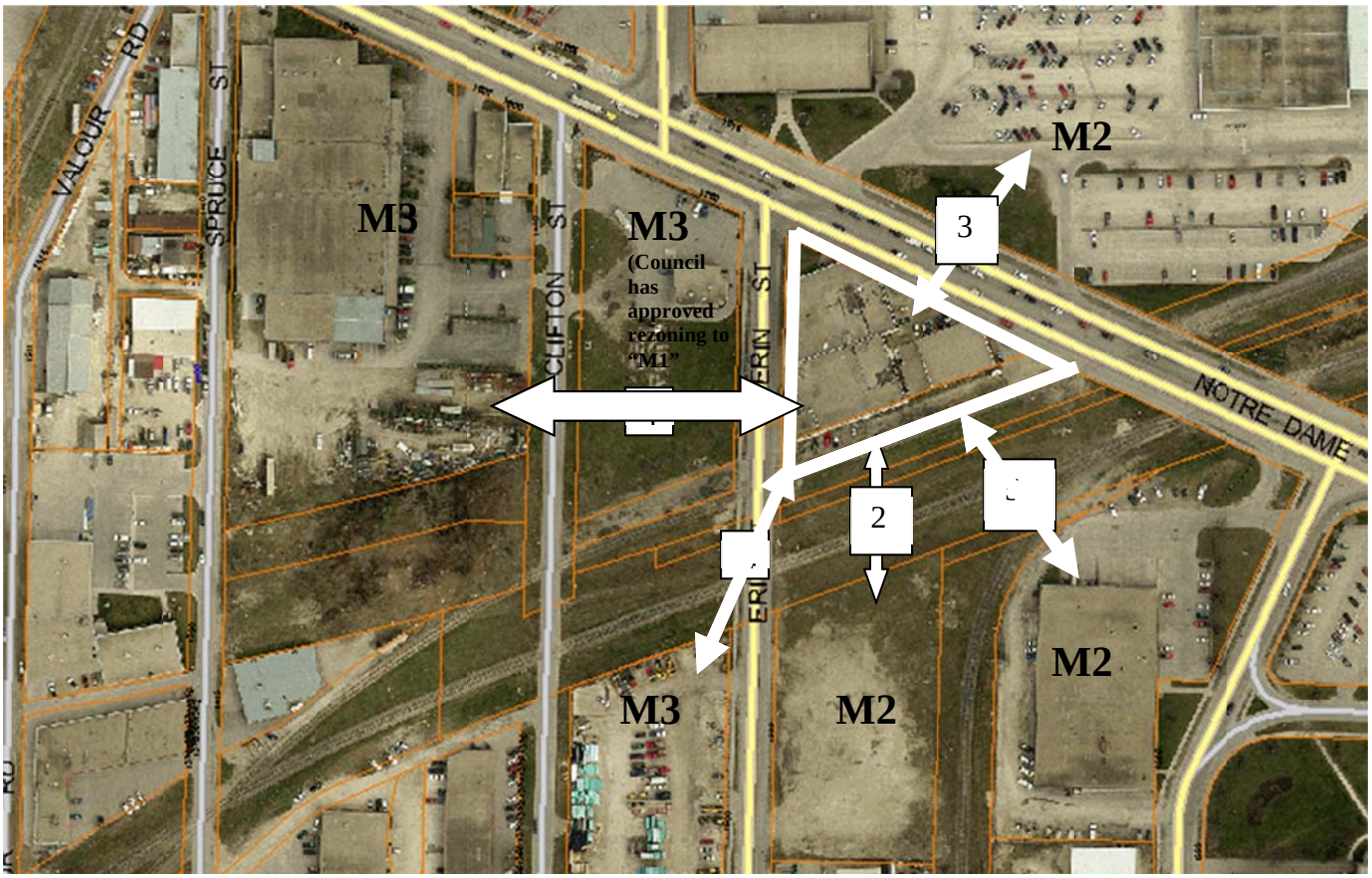
i) The site will act as a buffer to provide visual screening and separation of different land uses.

Appendix B



1. Subject Property
2. Residential (± 400 feet away)
3. High School (± 500 feet away)
4. Proposed office/commercial development (DASZ 44/2011)
5. New home of Children's Rehabilitation Centre

Appendix C
Separation Distances from "M3" Manufacturing Uses



1. To the west, the adjoining property is currently zoned "M3"; however, it is in the process of being rezoned for commercial and office development. Further to the west, the closest industrially zoned property is ± 300 feet away and is used by Nygard as a factory outlet and offices.

2. To the south, the closest industrially zoned parcel (zoned "M2" and currently vacant) is ± 175 feet away.

3. To the east, the closest industrially zoned parcel (zoned "M2" and used as a showroom, office, and warehouse for Winnipeg Building and Decorating) is ± 180 feet away.

4. To the southwest (± 225 feet away) is a property zoned "M3" and used by Maple Leaf Construction as a storage compound.

5. To the north, the closest industrially zoned parcel (zoned "M2" and used by Manitoba Hydro as a customer service office) is +100 feet away