Agenda – Council – July 17, 2013

Report – Executive Policy Committee – July 10, 2013

Item No. 8 Subdivision and Rezoning - 2400 McPhillips Street (Old Kildonan Ward) File DASZ 23/2013

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On July 10, 2013, the Executive Policy Committee concurred in the recommendation of the Lord Selkirk-West Kildonan Community Committee and submitted the following to Council:

1. That the plan of subdivision proposed under File DASZ 23/2013 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 23/2013 dated April 24, 2013 with such minor changes as may be required, and for registration in the Winnipeg Land Titles Office.

2. That The Winnipeg Zoning By-law No. 200/06 be amended by rezoning the planned area as shown on Schedule "A" for File DASZ 23/2013 dated April 24, 2013 to an "RMF-M" 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. Mobile signs and mobile poster signs shall be prohibited on the land.

        ii. The Owner must submit plans showing the location and design of any and all proposed buildings, accessory parking areas, private approaches, garbage enclosures, fencing, landscaping, and signage on the Owner's Land ("Works") to the City's Director of Planning, Property and Development ("Director") and the City's Lord Selkirk / West Kildonan Community Committee for approval prior to the issuance of any building or development permit, and thereafter must maintain the Works to the satisfaction of the Director.

3. That the existing Zoning Agreement, caveat 2716674 be discharged with the registration of the new Zoning Agreement caveat.

4. That in lieu of the requirement for land dedication, a sum of money, calculated as ten percent (10%) of the increase in market value of the land and the creation of additional parcels be paid to the City for the purchase of land for purposes of the City other than streets.

Report – Executive Policy Committee – July 10, 2013

5. That the Director of Planning, Property and Development be authorized to certify any documents in connection therewith.

6. That in the event the matter is not proceeded with expeditiously and the by-law is not passed within two (2) years 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 the two (2)-year period and Council approves the extension.

7. That the Director of Legal Services and City Solicitor be requested to prepare the necessary by-law in accordance with the above.

8. That subdivision section of the by-law shall come into force and effect upon execution by the City of Winnipeg of the Servicing Agreement.

9. That the zoning section of the by-law shall come into force and effect when the plan of subdivision is registered in the Winnipeg Land Titles Office and 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 (1) year from the date the by-law is passed.

10. 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.

11. 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.

12. 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 10, 2013

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On July 10, 2013, the Executive Policy Committee concurred in the recommendation of the Lord Selkirk-West Kildonan Community Committee and submitted the matter to Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On July 9, 2013, the Lord Selkirk-West Kildonan 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: **Subdivision and Rezoning - 2400 McPhillips Street**
File DASZ 23/2013

For submission to: **Executive Policy Committee**

Prepared by: **Inga Skundberg, Clerk**
Lord Selkirk-West Kildonan Community Committee

Report date: **July 9, 2013**

COMMUNITY COMMITTEE RECOMMENDATION:

On July 9, 2013, the Lord Selkirk-West Kildonan Community Committee concurred in the recommendation of the Winnipeg Public Service and, via the Priority Rezoning Process, recommended to the Executive Policy Committee:

1. That the plan of subdivision proposed under File DASZ 23/2013 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 23/2013 dated April 24, 2013 with such minor changes as may be required, and for registration in the Winnipeg Land Titles Office.

2. That The Winnipeg Zoning By-law No. 200/06 be amended by rezoning the planned area as shown on Schedule "A" for File DASZ 23/2013 dated April 24, 2013 to an "RMF-M" 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. Mobile signs and mobile poster signs shall be prohibited on the land.

        ii. The Owner must submit plans showing the location and design of any and all proposed buildings, accessory parking areas, private approaches, garbage enclosures, fencing, landscaping, and signage on the Owner's Land ("Works") to the City's Director of Planning, Property and Development ("Director") and the City's Lord Selkirk / West Kildonan Community Committee for approval prior to the issuance of any building or development permit, and thereafter must maintain the Works to the satisfaction of the Director.

3. That the existing Zoning Agreement, caveat 2716674 be discharged with the registration of the new Zoning Agreement caveat.

4. That in lieu of the requirement for land dedication, a sum of money, calculated as ten percent (10%) of the increase in market value of the land and the creation of additional parcels be paid to the City for the purchase of land for purposes of the City other than streets.

5. That the Director of Planning, Property and Development be authorized to certify any documents in connection therewith.

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9. That the zoning section of the by-law shall come into force and effect when the plan of subdivision is registered in the Winnipeg Land Titles Office and 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 (1) year from the date the by-law is passed.

10. 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.

11. 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.

12. 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 Lord Selkirk-West Kildonan Community Committee provided the following supporting reasons for its recommendation:

1. The Lord Selkirk-West Kildonan Community Committee agreed with the administrative comments contained in the report of the Planning and Land Use Division dated July 2, 2013.

2. The subject proposal is a great project.

PUBLIC HEARING SUMMARY

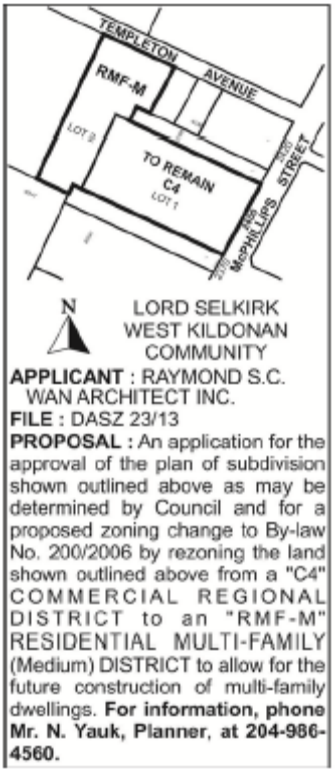
File: DASZ 23/2013

Before: Lord Selkirk-West Kildonan Community Committee
Councillor Sharma, Chairperson
Councillor Eadie
Councillor Pagtakhan

Public Hearing: July 9, 2013
Council Building, 510 Main Street

Applicant: Raymond S.C. Wan Architect Inc. (Ray Wan)

Subject:



Premises Affected: 2400 McPhillips Street

Exhibits Filed:

1. Application dated April 23, 2013
2. Notification of Public Hearing dated May 14, 2013
3. Manitoba Status of Title 1885364/1
4. Letter of authorization dated February 1, 2013 from Ranjoy Sales & Leasing Ltd. to Raymond S.C. Wan Architect, WG Kastes Inc. and/or Concord Projects Ltd.

5. Surveyor's Building Location Certificate and sketch dated January 24, 2013
6. Plans (6 pages)
7. Report from the Urban Planning Division dated July 2, 2013
8. Inspection Report
9. Audio Recording of representations

REPRESENTATIONS:

In Support:

Jim Gauthier
Wade Kastes
Ray Wan, Raymond S.C. Wan Architect Inc.

In Opposition

Nil

For Information:

Nil

For the City:

Mr. N. Yauk, Planner, Planning, Property and Development Department

Exhibit "7" referred to in File DASZ 23/2013

ADMINISTRATIVE REPORT

Title: DASZ 23/2013 – 2400 McPhillips St

Issue: For consideration at the public Hearing for a Rezoning, DASZ 23/2013 – 2400 McPhillips St.

Critical Path: Lord Selkirk West Kildonan 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
B. Smith	B. Thorgrimson	n/a	

RECOMMENDATIONS

1. That the plan of subdivision proposed under File DASZ 13/2013 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 23/2013 dated April 24, 2013 with such minor changes as may be required, and for registration in the Winnipeg Land Titles Office.
2. That The Winnipeg Zoning By-law No. 200/06 be amended by rezoning the planned area as shown on Schedule "A" for File DASZ 23/2013 dated April 24, 2013 to an "RMF-M" 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) Mobile signs and mobile poster signs shall be prohibited on the land.
        ii) The Owner must submit plans showing the location and design of any and all proposed buildings, accessory parking areas, private approaches, garbage enclosures, fencing, landscaping, and signage on the Owner's Land ("Works") to the City's Director of Planning, Property and Development ("Director") and the City's Lord Selkirk / West Kildonan Community Committee for approval prior to the issuance of any building or development permit, and thereafter must maintain the Works to the satisfaction of the Director.
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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 applicant wishes to rezone the subject property to an “RMF-M” Residential Multi-Family District to construct 90 dwelling units within one 4 storey building.

IMPLICATIONS OF THE RECOMMENDATIONS

If the recommendations of the Urban Planning Division are concurred in, development permits can be issued for the development as proposed.

CONSULTATION

In preparing this Report there was consultation with:

The Administrative Coordinating Group of the City of Winnipeg.

SUBMITTED BY

Department	*Planning, Property and Development*
Division	*Urban Planning*
Prepared by	Noah Yauk
Date:	July 2, 2013
File No.	DASZ 23/13

Attachments:

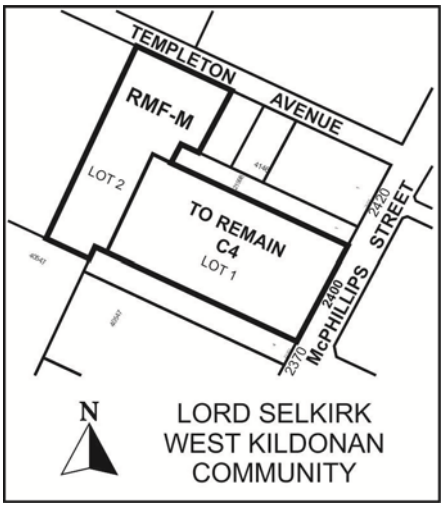
APPENDIX 'A': PLANNER'S REPORT
SCHEDULE "A" FOR FILE NO. DASZ 23/2013, LORD SELKIRK / WEST KILDONAN COMMUNITY COMMITTEE, DATED APRIL 24, 2013

APPENDIX 'A': PLANNER'S REPORT

DATE: July 2, 2013
FILE: DASZ 23/13
RELATED FILES:
COMMUNITY: Lord Selkirk / West Kildonan
NEIGHBOURHOOD #: 3.326 (Leila North)

SUBJECT: To rezone the subject land from a "C4" Commercial District to an "RMF-M" Residential Multi-Family District.

LOCATION: 2400 McPhillips Street
LEGAL DESCRIPTION: Lot 3 Plan 40547 IN OTM Lots 18 & 19.



APPLICANT: Raymond Wan
OWNER: Ranjoy Sales and Leasing Ltd.

RECOMMENDATION: Approval with conditions

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

- The proposed development is consistent with *OurWinnipeg, Complete Communities* policies as the lands are located within the Area of Stability / Recent Community and the Regional Mixed Use Centre Policy Areas of the plan. Both policy areas accommodate the proposed zoning district.

SITE DESCRIPTION
The subject property, which is zoned "C4" Commercial District is located west of McPhillipsn Street between Templeton and a private access road leading to the Walmart, in the Leila North neighbourhood of the Old Kildonan ward.

Existing Land Use and Zoning

North: Templeton Avenue, then vacant lands and an industrial property zoned "M2" General Manufacturing District.

South: A private road, then the Walmart parking lot and a McDiarmid Lumber zoned "C4" Commercial District.

East: Auto dealerships zoned "C4" Commercial District.

West: Vacant lands zoned "C4" Commercial District.

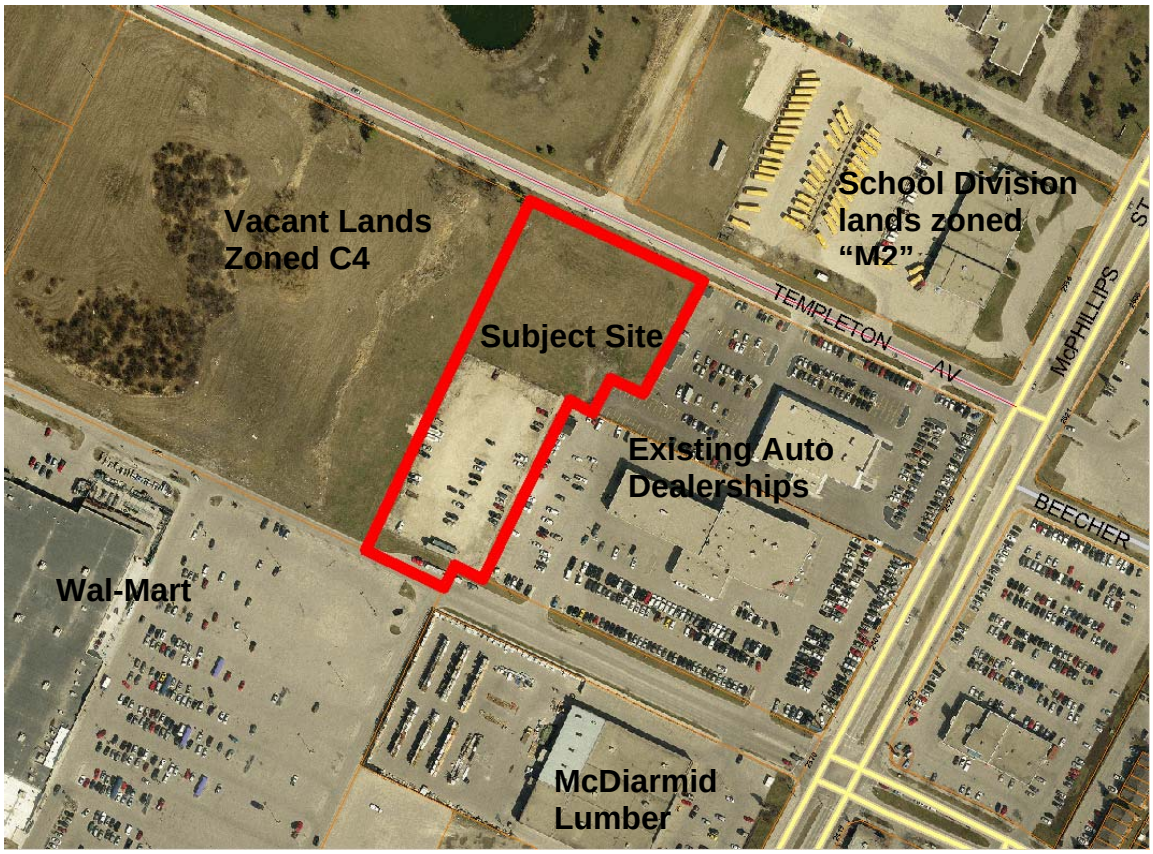


Figure 1: Subject Site and Surrounding Land uses (2012)

DESCRIPTION OF THE PROPOSED DEVELOPMENT

The applicant wishes to subdivide the existing 7 acre property to maintain an existing auto dealership on the west 4 acres of the site under the current "C4" zoning designation and rezone the remainder of the property to an "RMF-M" zoning district to accommodate a 90 unit multi-family development. It is noted that the current zoning of the site does not accommodate any residential development. Prior to this DASZ application, the applicant did submit a pre-application to obtain initial comments from the Administration.

Our Winnipeg, Complete Communities
The subject property is located within the Areas of Stability / Recent Community Policy Area and the Regional Mixed Use Centre Policy Area. Relevant policies include:

04 Areas of Stability:
'Infill in areas of stability will be supported with the intent of creating more complete communities.' P.78

'Promote the form of buildings and spaces that are sensitive to the community context and address the transition between new and existing developments.' P.80

'Promote a quality public realm with a high level of accessibility to community services and amenities and opportunities for gathering and social interaction.' P.80

'Support Complete Communities by ensuring diverse and high quality housing stock.' P.80

'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.' P.80

'Provide opportunities to increase multi-modal connectivity when redevelopment occurs.' P.80

'Where intensification/densification of housing occurs, ensure that the types of open space - passive, active, and plazas - respond to community needs.' P.81

'Focus housing growth to areas that have municipal service capacity to support intensification, in addition to commercial and recreation amenities. P.80

04 Areas of Stability > Recent Communities:
'Improve the sustainability of recent residential neighbourhoods by promoting better walking, cycling and transit access to retail, employment and community facilities.' P.89

03 Transformative Areas: Regional Mixed Use Centers:
The subject property is also located within a Regional Mixed Use Centre Policy Area. Relevant policies include:

'Regional Mixed Use Centres are intensely developed, city-wide or regional attractions. They are well-served by public transit and can contain mixed use development, including residential and specialized employment, commercial or cultural services'.

'Regional Mixed Use Centres are envisioned as typically having the highest density and building heights and broadest range of land uses outside of Downtown'.

Zoning
The site is currently zoned "C4" Commercial District;

> *'The C4 Commercial District is intended for the development of large scale, regional centres containing a mix of concentrated land uses.'*

The proposed zoning district is “RMF-M” Residential Multi-Family:

> *The Residential Multi-Family (RMF) district is intended to accommodate the development of multi-family units in neighbourhoods with medium to high residential densities.*
>
> The “RMF-M” permits residential development at a rate of 54 units per acre. Given that the site is almost 3 acres in size means that it can accommodate about 150 dwelling units. The applicant is proposing to construct 90 units.

It is noted that the applicant’s site plan meets all the requirements of the “RMF-M” zoning district (see Figure 2, below). While some zoning deficiencies were identified in the applicant’s pre-application submittal, these items have been addressed in the applicant’s DASZ submission.

Zoning By-Law 200/2006: Proposed “RMF-M” Zoning

Figure 2: Dimensional Standards for the RMF-M Zoning District

Zoning District	Minimum Lot Area Per Dwelling Unit (Sq. Ft.)	Minimum Front Yard (Ft.)	Minimum Rear Yard (Ft.)	Minimum Side Yard (Ft.)	Max Building Height (ft)
RMF-M	**800**	**20**	**25**	**8**	**60**

- The “RMF-M” zoning accommodates the complete range of proposed housing types, including the height of the proposed 4-storey building.
- The proposed development will occur at a density far below what is provided in the Zoning By-Law for the “RMF-M” zoning district.
    - The density standards for the “RMF-M” zoning district accommodate one dwelling unit for each 800 sq. ft. of lot area. Based on the size of the site, this would yield ~160 dwelling units.
- The proposed 90 units equates to a density of one dwelling unit for each 1,427 square feet of lot area.
- The development either meets or exceeds the minimum standards of the Zoning By-Law for the “RMF-M” district.
- The “RMF-M” zoning district provides a maximum building height of 60 feet, which can accommodate as much as 6 stories. The proposed building is 4 stories in height.

Compatibility with Neighbouring Land Uses

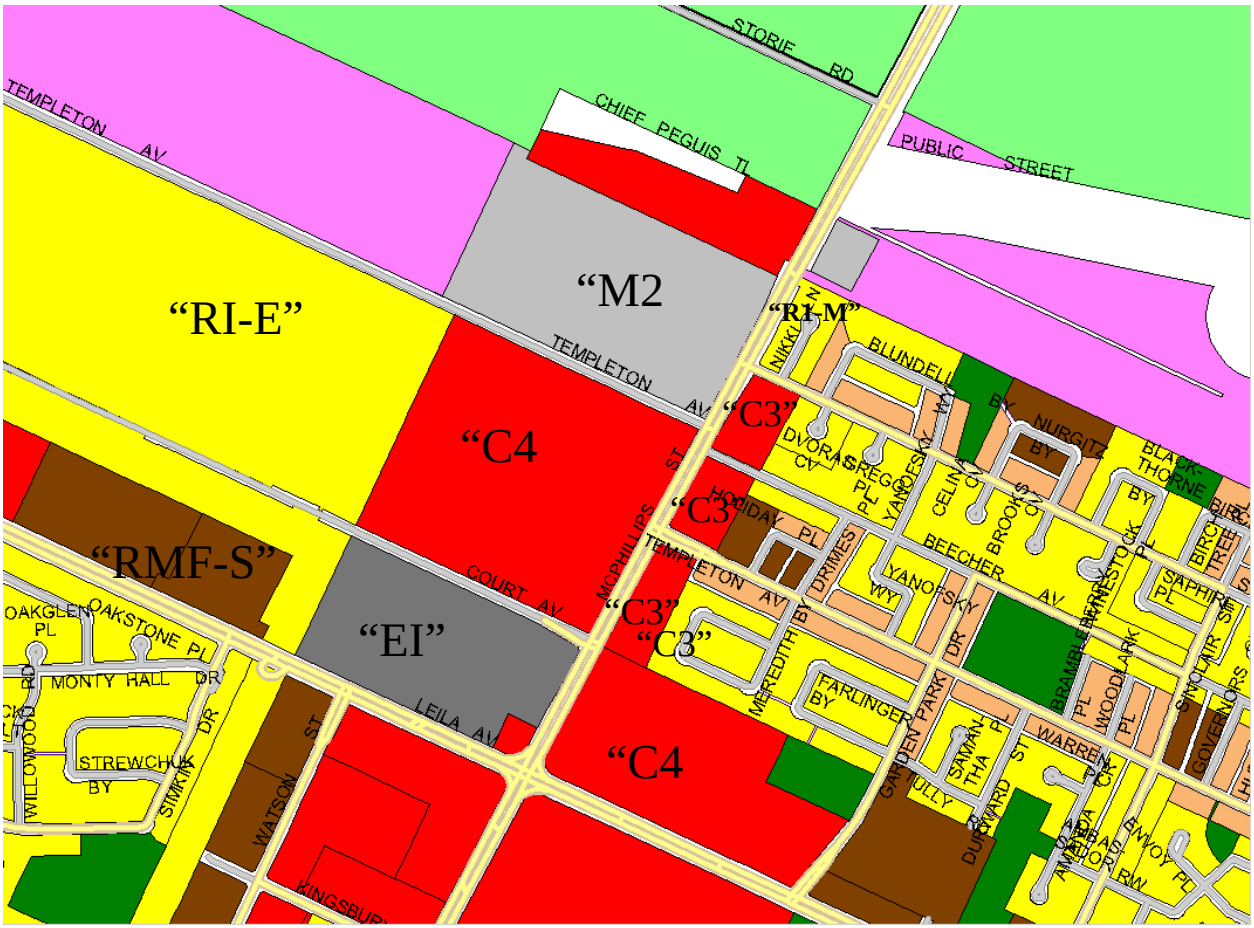
Multiple-family development on the subject property is logical when considering its proximity to existing services and amenities. This includes proximity to public transit service, the Seven Oaks Hospital and a Wal-Mart which includes a full grocery store.

Large tracts of land to the north and west of the site are designated as New Communities; development within these new communities will be planned through mandatory precinct plans. The New Communities will be developed as predominantly residential neighbourhoods. The subject property and the lands immediately surrounding it are situated between these New Communities and the existing established development along McPhillips and North of Leila. The subject site and the “C4” lands, being

designated as Regional Mixed Use Policy Area provides an opportunity for mixed use development, serving as a key node to existing and future development.

In the mean time it is noted, that the lands directly north of the subject property on Templeton Avenue are zoned “M2” General Manufacturing District despite them also being designated as Recent Communities policy designation of *Complete Communities*. One of these properties is currently operating as maintenance/Transportation/Custodial service centre for the Winnipeg School Division and the presence of school buses on site is noted. While the Recent Communities Policy designation would encourage the eventual transitioning of these lands from an industrial zoning district, the current zoning does provide for a wide range of industrial uses, although not heavy industrial.

As the rest of the surrounding lands that are zoned “C4” develop around the subject site, it is hoped that there will be good interaction between the commercial and residential uses. A good existing example, is the Wal-Mart, which has a full service grocery store – this will be but a short walk for the residents of the proposed building. It is easy to see how this proposed multi-unit residential building and the existing commercial use can support each other. It is this type of land use mix that is heavily supported in Complete Communities within the Regional Mixed Use Policy Area.



Zoning Map

Site Layout

It is noted that the applicant had submitted a pre-application to gain administrative feedback prior to a formal rezoning application. The applicant’s current site plan addresses comments provided through

that process. Of particular note, the site plan submitted with the pre-application did not meet some of the dimensional standards of the “RMF-M” zoning district, which would have triggered associated variances. Given the size of the site (almost 3 acres) it would have been difficult for the Urban Planning Division to recommend approving variances. As a result of the comments, the applicant was able to modify the site plan so that variances are avoided.

The current site layout illustrates a building that is oriented to Templeton Avenue. The exterior building walls are well articulated. The site has sufficient parking, some amenity space and connection to the private road leading to the Walmart. The applicant will be required to submit a landscape plan for the development. The Administration also recommends there be an on site sidewalk connection to the existing sidewalk on Templeton Avenue, which will be a benefit as more redevelopment occurs on Templeton Ave.

Other:

Servicing

The subject site is currently zoned “C4”, a zoning district intended for developments of significant scale. This means that the site is well serviced. Utilizing an existing site with existing services is important in terms of logical development. The Administrative Coordinating Group is not recommending a Servicing Agreement with this application.

Zoning Agreement

It is noted there is an existing zoning agreement on the subject lands. While the zoning agreement does contain a director and LSWK community committee plan approval clause, the clause relates only to “commercial buildings”. Since the proposed development is for residential development, it is recommended the zoning agreement be discharged and replaced with a new one that captures residential development as well.

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

- The proposed development is consistent with OurWinnipeg policies as the lands are located within an Area of Stability / Recent Community and a within a Regional Mixed Use Centre, of which policy areas accommodate the proposed zoning district.

REASONS FOR RECOMMENDATIONS

In the context of Section 247(3), the Urban Planning Division recommends **approval** for the following reasons:

(a) is consistent with Plan Winnipeg and any applicable secondary plan;
(b) does not create a substantial adverse effect on the amenities, use, safety and convenience of the adjoining property and adjacent area, including an area separated from the property by a street or waterway;
(c) is the minimum modification of a zoning-by-law required to relieve the injurious effect of the zoning by-law on the applicant's property; and
(d) is compatible with the area in which the property to be affected is situated.

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

Report Prepared by: Noah Yauk
PPD File # DASZ 23/2013
Schedule “A” for File No. DASZ 23/2013, Lord Selkirk / West Kildonan Community Committee, dated April 24, 2013

By-Law No. _____

File No. **DASZ 23/13**

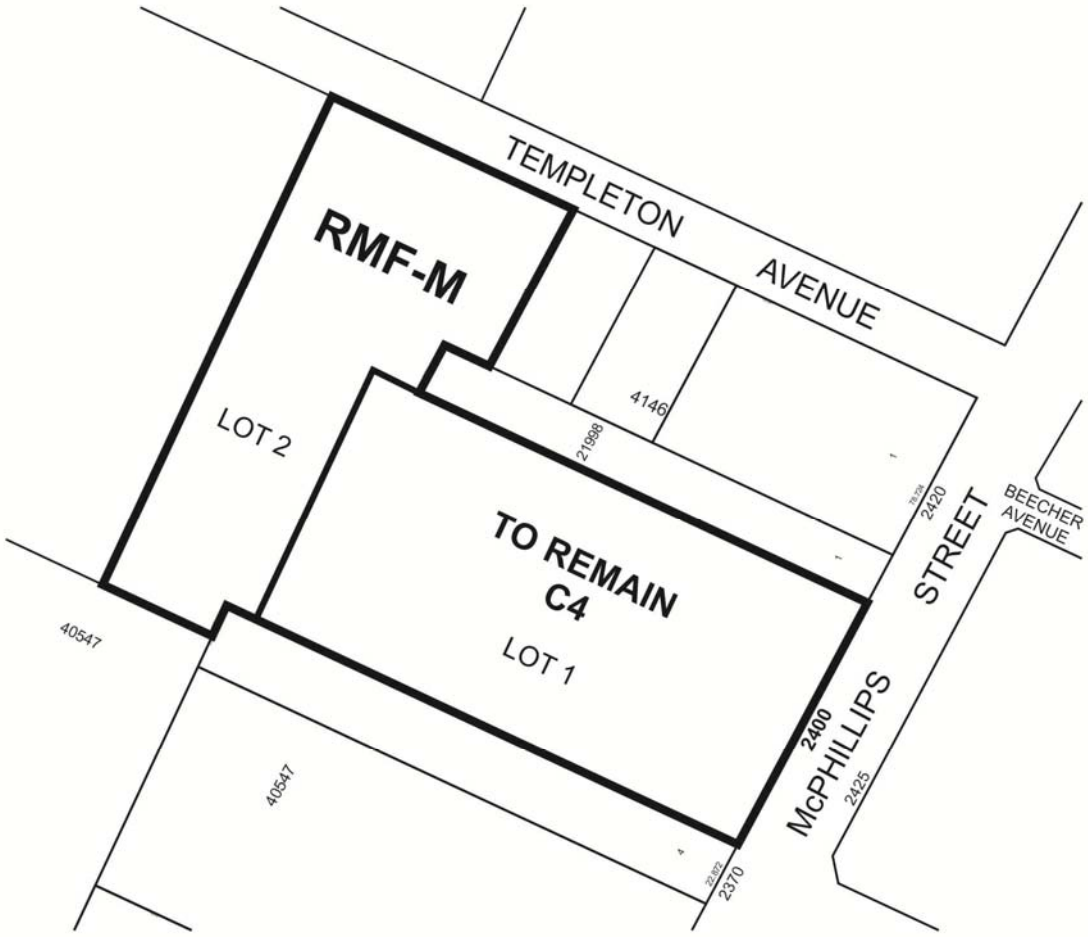
Atlas Sheet No. **S24**

N

LORD SELKIRK WEST KILDONAN 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 2400 McPhillips Street from a "C4" COMMERCIAL REGIONAL DISTRICT to an "RMF-M" RESIDENTIAL MULTI-FAMILY (Medium) DISTRICT to allow for the future construction of multi-family dwellings as shown outlined below.



THIRD READING : _____ EFFECTIVE DATE : _____

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No. _____