Minute No. 506
Report – Executive Policy Committee – July 10, 2013

Item No. 15 Subdivision and Rezoning – 522 River Avenue and 99 Norquay Street (Fort Rouge-East Fort Garry Ward)
File DASZ 20/2013 [c/r DAV 119579/2013D]

COUNCIL DECISION:

Council concurred in the recommendation of the Executive Policy Committee and adopted the following:

1. That the plan of subdivision under File DASZ 20/2013 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 20/2013 dated July 8, 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. 200/2006 be amended by rezoning the subject land as shown on Schedule "A" for File DASZ 20/2013 dated July 8, 2013 to an "RMF-L" Residential Multi-Family Large District.

    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 four (4) storeys and fifty (50) feet.

3. 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 lots, be paid to the City for the purchase of land for purposes of the City other than streets.

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

Report – Executive Policy Committee – July 10, 2013

COUNCIL DECISION (continued):

5. That in the event the matter is not proceeded with expeditiously and the by-law is not passed within two 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-year period and Council approves the extension.

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

7. 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.

8. That the zoning section of the by-law shall come into force and effect when the Plan of Subdivision has been registered in the Winnipeg Land Titles Office.

9. 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.

10. 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.

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.

Report – Executive Policy Committee – July 10, 2013

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 July 10, 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 July 9, 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: **Subdivision and Rezoning – 522 River Avenue and 99 Norquay Street File DASZ 20/2013**

For submission to: **Executive Policy Committee**

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

Report date: **July 9, 2013**

COMMUNITY COMMITTEE RECOMMENDATION:

On July 9, 2013, the City Centre 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 under File DASZ 20/2013 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 20/2013 dated July 8, 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. 200/2006 be amended by rezoning the subject land as shown on Schedule "A" for File DASZ 20/2013 dated July 8, 2013 to an "RMF-L" Residential Multi-Family Large District.

    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 four (4) storeys and fifty (50) feet.

3. 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 lots, be paid to the City for the purchase of land for purposes of the City other than streets.

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

5. That in the event the matter is not proceeded with expeditiously and the by-law is not passed within two 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-year period and Council approves the extension.

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

7. 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.

8. That the zoning section of the by-law shall come into force and effect when the Plan of Subdivision has been registered in the Winnipeg Land Titles Office.

9. 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.

10. 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.

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.

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

1. It aligns with the Osborne Neighbourhood Development Plan.
2. It has been an empty lot for a long period of time.
3. It’s a high quality development that fits in with the neighbourhood.

PUBLIC HEARING SUMMARY

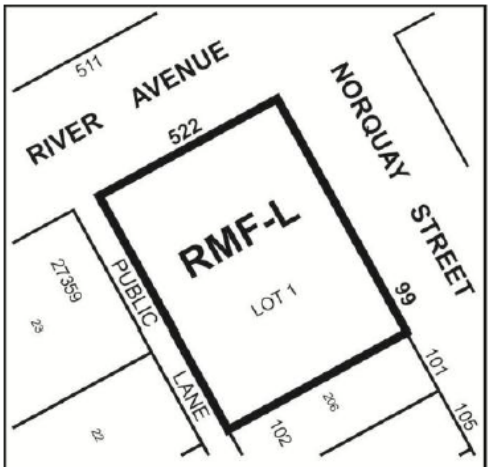
File: DASZ 20/2013

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

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

Applicant: Arlyn Recones (Neil Cooper Architect Inc.)

Subject:



APPLICANT : NEIL COOPER ARCHITECT INC.
FILE : DASZ 20/13
PROPOSAL : An application for the approval of the plan of subdivision shown outlined above as may be determined by Council and for a proposed zoning change to By-law No. 200/2006 by rezoning the land shown outlined above from an "RMF-M" RESIDENTIAL MULTI-FAMILY (Medium) DISTRICT to an "RMF-L" RESIDENTIAL MULTI-FAMILY (Large) DISTRICT to allow for the construction of a multiple-family dwelling. **For information, phone Mr. D. Clark, Planner, at 204-986-5684.**

Premises Affected: 522 River Avenue and 99 Norquay Street

Exhibits Filed:

1. Application dated May 9, 2013
2. Notification of Public Hearing dated May 23, 2013
3. Manitoba Status of Titles 2641306/1, 2641304/1
4. Copy of Caveat 3614377
5. Letter of authorization dated April 9, 2013 from Ben Lount, Secretary, 6621104 Manitoba Ltd. to Arlyn Recones
6. Plans (7 pages)
7. Report from the Urban Planning Division dated July 2, 2013
8. Revised Report from the Urban Planning Division dated July 8, 2013
9. Inspection Report
10. Audio Recording of representations

REPRESENTATIONS:

In Support:
Neil Cooper
Ben Lount
Colin Lount

In Opposition
Nil

For Information:
Tim Comack
Jonathon Freed
Allan Grant

For the City:
Mr. M. Robinson, Senior Planner, Planning, Property and Development Department
Mr. D. Clark, Planner, Planning, Property and Development Department

Exhibit "8" referred to in File DASZ 20/2013

ADMINISTRATIVE REPORT

Title: DASZ 20/13 – 522 River & 99 Norquay **REVISED**

Issue: An application for consideration at the Public Hearing to subdivide the site into one (1) lot and rezone the lands from the "R1-S" Residential Single Family - Small district and "RMF-M" Residential Multi Family – Medium district to the "RMF-L" Residential Multi Family – Large district in order to develop a multiple family dwelling.

Critical Path: City Centre 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	N/A	N/A	

RECOMMENDATIONS

1. That the plan of subdivision proposed under File DASZ 20/2013 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 20/2013 dated July 8, 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. 200/2006 be amended by rezoning the subject land as shown on Schedule "A" for File DASZ 20/2013 dated July 8, 2013 to an "RMF-L" Residential Multi-Family Large District.

   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 four (4) storeys and fifty (50) feet.

3. 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 lots, be paid to the City for the purchase of land for purposes of the City other than streets.

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

5. That in the event the matter is not proceeded with expeditiously and the by-law is not passed within two 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-year period and Council approves the extension.

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

7. 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.

8. That the zoning section of the by-law shall come into force and effect when the Plan of Subdivision has been registered in the Winnipeg Land Titles Office.

9. 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.

10. 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.

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.

REASON FOR THE REPORT

- The applicant is proposing to subdivide the site from two (2) lots into one (1) lot and rezone the lands from “R1-S” Residential Single Family – Small and “RMF-M” Residential Multi Family - Medium to “RMF-L” Residential Multi-Family - Large for the purposes of constructing a 37-unit multi-family development.
- Subdivisions and rezonings require a Public Hearing as per the *Development Procedures By-law* and *The City of Winnipeg Charter.*

- The Report is being submitted for the Committee's consideration of the development application at the Public Hearing.

IMPLICATIONS OF THE RECOMMENDATIONS

- If the recommendations of the Urban Planning Division are concurred in, the subject site will be subdivided and rezoned to "RMF-L" Residential Multi Family – Large district.

HISTORY

N/A

CONSULTATION

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

SUBMITTED BY

Department	Planning, Property and Development
Division	Urban Planning Division
Prepared by:	Devin Clark
Date:	July 8, 2013
File No.	DASZ 20/13

List of Schedules and Attachments

1. Appendix A – Planning Discussion
2. Schedule "A" Recommended File No. DASZ 20/13 City Centre Community Committee, dated July 8, 2013.

APPENDIX 'A'

DATE: July 8, 2013

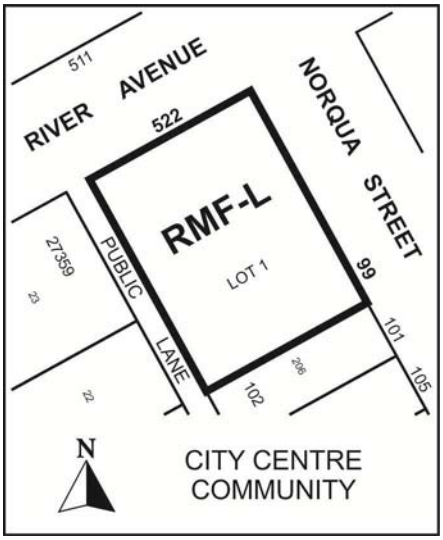
FILE: DASZ 20/13
RELATED FILES: DAV 13-119579/D

COMMUNITY: City Centre
NEIGHBOURHOOD #: 1.110

SUBJECT: To subdivide the site into one (1) lot and rezone the land from "R1-S" Residential Single Family – Small and "RMF-M" Residential Multi Family – Medium to "RMF-L" Residential Multi Family – Large

LOCATION: 522 River Ave. & 99 Norquay St.

LEGAL DESCRIPTION: LOT 1 PLAN 47371 37 ST B & LOT 207 PLAN 102 37 ST B



APPLICANT: Arlyn Raccones – Neil Cooper Architect Inc.
395 Berry St. UNIT 10
WINNIPEG MB R3J 1N6

OWNER: 6621104 Manitoba Ltd.
1712 Portage Ave. UNIT 1810
WINNIPEG MB R3J 0E3

RECOMMENDATION: Approval with conditions

REPORT SUMMARY

- The applicant is proposing to subdivide the property at 522 River Ave. with 99 Norquay St. and rezone the land to the "RMF-L" Residential Multi Family – Large district.
- The intent is to develop a four (4) storey, 37 unit multi-family dwelling.
- The Urban Planning Division recommends approval of this application subject to two conditions.

SITE DESCRIPTION

- The subject property is located on the southwest corner of River Avenue and Norquay St., in the McMillan neighbourhood of the Fort Rouge – East Fort Garry ward.
- The proposed subdivision for the property would combine two (2) lots into one (1) for a total of 13,300 square feet (1235.6 square metres).
- Under the Complete Communities Direction Strategy, the site is located within the Areas of Stability – Mature Communities policy area.
- The site is also located within Village Medium Density area under the Osborne Village Neighbourhood Plan (OVNP).



Figure 1: Aerial photograph showing subject property (flown 2012)

SURROUNDING LAND USES & ZONING (See Figure 2)

North: Multi-family residential zoned "RMF-L" Residential Multi Family – Large and Commercial uses zoned "C2" Community Commercial

South: Single-family dwellings zoned "R1-S" Residential Single Family - Small

East: A church zoned "R1-S" Residential Single Family - Small

West: 2, 3, and 4 unit dwellings zoned "R2" Residential Two Family.

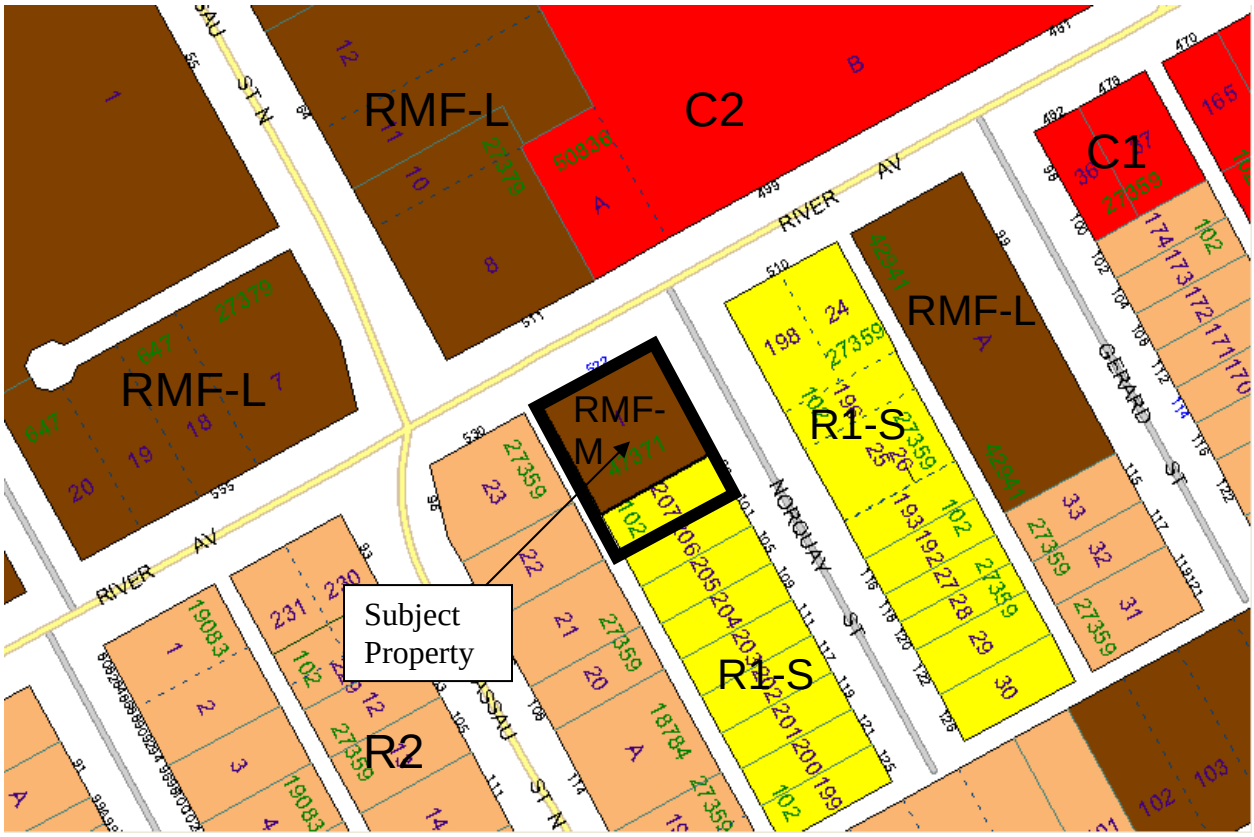


Figure 2: Zoning of the site and surrounding area.

DESCRIPTION OF THE PROPOSED DEVELOPMENT

- The applicant is proposing to consolidate the site from two (2) lots into one (1) lot and rezone the properties from "RMF-M" Residential Multi-Family – Medium and "R1-S" Residential Single Family – Small to "RMF-L" Residential Multi-Family – Large.
- The existing single family dwelling at 99 Norquay St. is to be demolished.
- The applicant wishes to build a four (4) storey, 37 unit multi-family dwelling.
- The applicant explains that the building has been conceptualized to reflect materials and scale appropriate to the neighbourhood. The cladding will be face-brick at the first storey with

limestone above. The residual areas around the base of the building will be populated with limestone-walled planters to further enhance the human scale, provide a buffer and transition to the grade level units, and provide colour and texture contrast by a combination of evergreen and deciduous perennial planting.

- The primary entrance to the building will be located on Norquay St.
- Seven (7) ground floor units will wrap the north and east sides of the building, with patios fronting the street.
- Unit sizes will range from one bedroom units of 643 square feet to two bedroom units that are 1125 square feet.
- 33 underground parking stalls and 5 surface parking stalls are to be provided. Access to parking areas will be from the public lane.

ANALYSIS AND ISSUES

COMPLETE COMMUNITIES DIRECTION STRATEGY

- The site is located within the Areas of Stability – Mature Communities policy area. The key relevant policies guiding the development of Areas of Stability under the *Complete Communities Direction Strategy* include:
    - Promote the form of buildings and spaces that are sensitive to the community context and address the transition between new and existing developments.
    - Focus housing growth to areas that have municipal service capacity to support intensification, in addition to commercial and recreational amenities.
    - Support Complete Communities by ensuring diverse and high quality housing stock.
    - 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.

OSBORNE VILLAGE NEIGHBOURHOOD PLAN

The subject site falls within the Osborne Village Neighbourhood Plan (OVNP) which provides detailed guidelines for development in Osborne Village. Under the OVNP the subject property is identified within the Village Medium Density Residential policy area. The following policies are applicable to the proposed development.

Village Medium Density Residential Policies:

- *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 storeys and a maximum of four storeys in height in order to preserve the scale and pedestrian oriented character of this area;*

Character policies from the OVNP also apply to all development in Osborne Village. Generally, these policies encourage context sensitive infill that promotes pedestrian orientation by addresses massing and design of buildings, parking, preservation of mature trees and safety and visibility.

ZONING

"RMF-L" Residential Multi-Family Large

- The "RMF-L" zone is intended to accommodate the development of multi-family units in neighbourhoods with medium to high residential densities. The dimensional standards for multi-family structures in the RMF-L zone are: a minimum front yard of 25 feet; a minimum rear yard of 25 feet; a minimum side yard of 8 feet (note b)[1] and, a maximum building height of 150 feet. The minimum lot area is 20,000 square feet and the minimum lot area per dwelling unit is 400 square feet.
- Parking requirements are 1.5 stalls per unit. However, parking requirements for properties that fall within Urban Infill Areas are reduced to provide 80% of the required minimum stalls.

LAND USE BY-LAW

Subdivision and Rezoning

- The applicant is proposing to subdivide and rezone the lands from the "R1-S" and "RMF-M" districts to the "RMF-L" district in order to construct a 37 unit multi-family development.
- Consolidating the single family property zoned "R1-S", increases the lot area to work with in order to provide a number of features that meet the objectives of the Complete Communities Direction Strategy and the Osborne Village Neighbourhood Plan (OVNP).
    - For example, a larger lot makes underground parking feasible and has allowed the developer to provide at grade units that front onto River Avenue and Norquay Avenue.
- The subject site is identified as Village-Medium Density Residential under the OVNP. This site is a transitional space between Village-High Density Residential on the north side of River Avenue and single family dwellings to the south.
- Rezoning to "RMF-L" allows the developer achieve a higher density development that is consistent with the policies in the OVNP and existing character; serving as a transition between high density residential to lower density residential.

COMPATIBILITY WITH THE SURROUNDING NEIGHBOURHOOD

- This particular location in Osborne Village consists of a diverse set of land uses. To the north of the subject property is a Canada Safeway grocery store and the newly refurbished Church of Christ Science building which is a four (4) storey condo building with 46 residential units. To the east is a church, to the west there are three (3) storey residential dwellings ranging between 2-4 units and to the south, single-family residential uses zoned "R1-S."
- The subject property is located in a transitional space between taller, high density residential uses on the north side of River Avenue and lower density, single family residential uses, south of the subject property.

---

[1] note b – in the RMF-L zoning district, where a building is more than one storey in height, the required interior side yard increases by 2 feet for each storey above the ground floor to a maximum of 20 feet.

In terms of height, the proposal is for a four (4) storey building that is 45 feet tall. The Urban Planning Division believes that this scale addresses context sensitive height and provides a reasonable transition from taller buildings on the north side of River Ave. and shorter buildings south of the subject property. For example:

  - The Church of Christ Science building is considered to be a four storey building, and has a building height of approximately 60 feet.
  - The single family dwelling to the south of the subject property has a height of approximately 35 feet to the midline of a peaked roof and 40 feet to the top of the roof.

- In terms of density, the proposal is for a 37 unit condominium. The Urban Planning Division believes that 37 units is appropriate for this site for a number of reasons:
  - The subject property is located across the street from the Village High Density residential area where, for example, there are multi-family residential uses ranging from 46 units (511 River Ave.) to 144 units (555 River Ave.).
  - The subject property is located at the end of the block on Norquay St. End of block properties are often identified as appropriate locations for higher intensity land uses.
  - The subject property is located along River Ave. which is an arterial street and capable of handling higher levels of traffic than collector or local streets.
- The Urban Planning Division believes that the proposed development addresses the surrounding context while adhering to the policies identified in the OVNP. In particular, policies:
  - *4.1.3.B New development will have a minimum of two storeys and a maximum of four storeys in height in order to preserve the scale and pedestrian oriented character of this area.*
  - *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;*
- The Developer has worked closely with the Urban Planning Division to identify opportunities that fulfill these policies. For example:
  - The development is providing entrances that are oriented toward the street with at-grade units wrapping the north and east side of the building.
  - Parking is being provided underground and at the rear of the building where it is not visible from the street.
  - The primary building materials include brick and limestone, which are consistent with adjacent properties.

LAND DEDICATION

- When a developer rezones and/or subdivides a parcel of land, they are required to put in an application with the City of Winnipeg.
- As a condition of rezoning or subdivision, a developer is required to contribute a portion of the land to be developed to the City for parks purposes.

The amount of land is not less than 10%.

- The developer is to provide land or 'cash in lieu' as determined by the Planning, Property and Development Department.
- The City is requesting cash in lieu for this application.

CONDITION OF PLAN APPROVAL

Submission of final plans to the Director of Planning Property and Development is being recommended as a condition of approval. The following considerations should be made when submitting final plans:

- Building details – Plans should include site plans and colour elevations indicating materials of exterior finishes for the building.
- Landscaping – Plans should be submitted detailing location and species of new plants and existing mature trees. If mature trees are not able to be preserved an arborist report must be provided indicating the species, condition, and health of all trees on the site, the potential for relocation and survival, and potential mitigation measures if preservation or relocation is not possible, as per section 8.1.4.C.2 in the OVNP.
- Garbage enclosure – Plans should be submitted that show the design, location and materials of the garbage enclosure. The garbage enclosure can be constructed of wood and/or brick, or any other material deemed appropriate by the Public Service.
- Fencing – Any proposed fencing on the site should be submitted for plan approval. Plans should show details of the fence design and location on the property.

RECOMMENDATION

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

- The proposal is consistent with the policies of the Complete Communities Direction Strategy and the Osborne Village Neighbourhood Plan.
- The proposed development would result in the development of a vacant parcel of land. This project would help enhance Osborne Village as a pedestrian oriented neighbourhood and meets a number of objectives for development outlined in the OVNP and the Complete Communities Direction Strategy.
- The rezoning to "RMF-L" allows for development that is consistent and compatible with the surrounding properties.

This Report Submitted by:

Planning, Property and Development Department
Urban Planning Division

Report Prepared By: Devin Clark
PPD File # DASZ 20/13

Schedule "A" for File No. DASZ 20/2013, City Centre Community Committee, dated July 8, 2013

